

COUNTY HOME ADVISORY COUNCIL MEETING MINUTES THURSDAY, MARCH 27, 2003

Roll Call

Chairman Chuck Hawley called the meeting to order at 6:32 p.m. at the County Home. Roll Call was taken with the following Council members present:

Present: Jo Becks, Randy Bing, Brian Feron, Ken Miller, Tanya Rodgers, Cheryl Scheck, Skip Sipos, and Chuck Hawley

Absent: Laura Kuhl, Emily Muscatello, and Randy Schmidt.

The following Ex officio members were present: John Stricker, County Administrator, Joyce Farnsworth, County Home Administrator, and Lynn Remington, Assistant County Home Administrator. Also present were Commissioner Steve Hambley, and Carol Shockley from the Prosecutor's Office. A sign up sheet is attached as Exhibit A.

Approval of Minutes - February

Chuck asked John Stricker to explain about the County Home levy money being in the General Fund that he discussed at the February meeting. John said the levy money is put into a separate fund within the General Fund. Residents' fees and miscellaneous revenue reduce the total cost of operating the Home, but there is still a loss. The operating loss is transferred quarterly from the County Home Levy Fund to the General Fund.

Chuck asked if everyone had read the minutes from February 26th and if there were any additions or corrections. There were none. Jo Becks moved to approve the minutes and Tanya Rodgers seconded the motion. There was no discussion. All voted AYE and the minutes were approved as written.

Committee Reports

Chuck told the Council to add Technical Committee to their Agendas.

Admissions

Ken Miller reported that committee members, Skip Sipos, Cheryl Scheck, Tanya Rodgers, Lynn Remington along with Laura Kuhl, and Carol Shockley from the Prosecutor's Office met on March 4th. They discussed some of the issues that came up at last month's Council meeting and they felt they could not move ahead because there were several questions. They needed more information about the regulations involved with using federal money; the services that are available or could be offered through a County Home; skilled nursing vs. unskilled nursing; and staffing requirements in accordance with federal and state laws. They felt it was best for the group to ask for help from an attorney/consultant who was knowledgeable in all of these areas to provide insight on what would be appropriate for the requirements for the Admission Policy. They do not want to put anyone at risk, and they want to minimize any possible future legal problems.

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Chuck asked Joyce Farnsworth, County Home Administrator, if the County Home Association had an attorney. Joyce said they have one onboard but they have to give her a retainer fee and after that the Association pays.

Chuck asked Carol Shockley to address the March 20th e-mail from Laura Kuhl that included a forwarded e-mail from a law firm in Cleveland. It was research that Laura had taken upon herself to do.

Carol thought Laura was perhaps unclear in her role in this matter. The Admissions Committee was dealing with some overwhelming legal issues such as Fair Housing and healthcare provisions so Laura offered to ask an expert attorney about these issues. She said he would probably give them some time free of charge. Carol said she told Laura, when they engage legal council, it would be up to the County Commissioners to make a request for proposal (RFP) for services. Laura said she would see what she could do and contacted an attorney who turned it over to another attorney. She asked the attorney when/if they reach the billable hours zone to be contacted. Carol stressed that billable hours in county government need proposals. She said that they appreciate the attorneys putting some time into this on behalf of Laura.

Carol said that the e-mail incorrectly stated that according to her phone call with Laura, the county would accept the opinion of that lawyer on licensure and discharge issues. She said that she does not speak on behalf of the county or Commissioners. She gets her direction from Prosecutor Dean Holman or Assistant Prosecutor Bill Thorne. The attorney did not address the Fair Housing issues and Laura indicated that Carol would prefer to investigate it herself. Carol said she said she would gladly defer to an expert. The attorney recognized that the County Home Administrator has a great deal of discretion in admitting people, which they knew.

Tanya Rodgers said she liked Laura's idea of having a fundraising committee.

Joyce Farnsworth said that they had an attorney do an Admissions Policy several years ago but it is not up to date. She has always been the one that they have looked to for advice and representation in this area. Joyce said she would get the information about how to contact her to Carol. Carol said that they could get proposals from people that would be appropriate.

Commissioner Hambley refuted the part in Laura's e-mail that says that there is a lack of oversight or standards at the County Home. He said that there is a significant amount of watching over of regulations and rules of the budget and records by both the County Commissioners and the County Home Advisory Council.

Chuck asked Steve if it was premature to get a specialist in grant writing to talk to the group. Steve said that it was premature because they are still working on the Admissions Policy and they should probably put that on hold until they get some of the other issues clarified.

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Chuck emphasized to the group that everything to do with all County Home Advisory Council meetings and Committee meetings is public record.

There was a discussion about gifting assets. Chuck said he was advised that residents of the County Home could legally gift assets in order to reduce their income to allow them to qualify for county subsidy of Home fees. County Commissioners could go back to estates for recovery. The gifting away would circumvent the sixty-month "look back". Steve said when County Home residents gave bargain sale prices to relatives for assets and property such as vacation homes; the county was able to successfully recover fees.

Chuck read an excerpt from another e-mail from Laura Kuhl about the difference between what the County Home is legally allowed to do and what it should do, and she thought perhaps steps should be taken to change some CH laws. She said that County Homes offer a legal means to skirt Medicaid fraud laws; there is no substantive voice for residents who complain; no minimum operating procedures to ensure consistent and quality of care; no triggers to discharge or limit of services that they are willing to provide, no appeals process, no financial look back for those approved for county subsidy of care, and virtually no oversight. She feels that Medina County has an excellent Administrator, but with these types of circumstances and with abuses in the nursing home industry profound legislation is called for. It alarms her that a County Home provides a possible financial incentive for families to admit an aging relative. Chuck said that Council should address some of these questions in their discussions.

Ken Miller said that the Admissions Committee suggests that the County Commissioners secure the services of a consultant, preferably an attorney who is familiar with the issues and works with the applicable state and federal laws on a regular basis, to advise and assist Medina County in forming an Admissions Policy that is best for all and reduces potential liability to the county. Jo Becks made a motion to make that recommendation, and Tanya Rodgers seconded the motion. Steve Hambley asked Carol Shockley how the Prosecutor's Office felt about the request for hiring an additional attorney. She said that she and Bill Thorne talked about it and both feel that it sounds like a good idea. She will have to have to get clearance from Dean Holman. Carol said that someone with the level of expertise like Joyce was talking about could work together with the Prosecutor's Office.

Chuck read a statement from the Ohio Revised Code entitled: "Admission to a County Home" and asked Carol to comment on it. O.R.C. 5155.22 says " In any county having a County Home, when the superintendent or administrator, after making the inquiry provided by law, is of the opinion that the person complained of is entitled to admission to such home, he shall forthwith complete a statement of facts showing cause for admission to the home. If it appears that such person is legally settled in the township or has no legal settlement in this state, or that such settlement is unknown, and the superintendent or administrator of the home is satisfied that such person should become a resident of the county home, the superintendent or administrator shall admit such person as a resident and shall receive and provide for him in such a facility

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forthwith, or as soon as the physical condition of such person will so permit. The county shall not be liable for any expenses incurred by the Board of Township Trustees or by a municipal corporation.”

Carol said this addresses the discretion of the Administrator in allowing a person to come into the Home or to reject them. She feels that rejecting someone might invoke a reaction with regard to residency and may be subject to litigation. Brian Feron asked how much the consultant would cost and if they should set any limit. Carol said they could mark on the RFP that it could not exceed a certain amount or it would have to be resubmitted to the County Commissioners. Skip Sipos said that the Council makes the recommendation and the Commissioners spend the money. All voted AYE and the motion carried.

Facility Upgrade

They are awaiting warmer weather so there was no report.

Salary Plan Update

Steve Hambley said that there was an Executive Session at the end of the last Council meeting. The Commissioners have not implemented the salary increases that were stipulated for individuals, however, they included it into the budget. They will do the salary adjustments in the next couple of weeks. Commissioners approved increases for an additional full time LPN and Joyce hired someone. They modified the Organizational Chart to reflect the staffing configuration.

Technical Committee

Brian Feron reported that they had their first kick-off meeting several weeks ago and he passed around the minutes from it. They focused on general internal communications (PA system, pagers, cell phones) and the computer needs. He said that Ken Miller is researching what appropriate technology is being used in other similar facilities. Some of the equipment that the Home has now is dated and aging. They are looking at alternatives for internal communications such as equipment that would help ease disturbing residents with an overhead pager. They want to provide what would be functional for the staff as well. They will be scheduling other meetings in the future.

Steve Hambley added that they are looking into a wireless high speed Internet connection and a network configuration for the Home in a couple of months. John said that the quote for a fiber optic connection was \$12,000 so they are not going to take that approach.

Financial Report

No report this month.

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County Home Administrator's Report HIPPA Update

Joyce Farnsworth reported that she and Lynn would be going to the County Home Conference on the April 7th. They attended a one-day seminar on the Health Insurance and Accountability Act (HIPPA) yesterday. It was interesting and there is work to be done that they started on today.

Lynn Remington added that they are getting in gear for it and they will be getting a mailing out to the residents. Everything is posted and it will be on the website. They plan on doing the training in-house for all of the employees. They received a large manual that has helpful material such as contracts that they can copy.

Joyce said they have 57 residents. They have had an elevator inspection, a fire suppression inspection on a kitchen hood that needs updated, and they got additional cell phones for the vans. She said their maintenance man is retiring on May 1st after 25 years of service. The Lafayette Fire Department inspected the facility and became familiar as to where all of the exits are located. Upon questioning, Lynn said the County Home evacuation takes less than five minutes during the day and more during the nighttime.

Goal Review

Brian Feron updated the "Medina County Home Advisory Council 2003 – 2007 Overview" and passed out copies to the Council. It can be used as a tool to help them keep abreast of all the things that are going on. The Organization Chart can be added when it is revised.

Comments – County Commissioners

There was no report this month.

Other Business

There was a short discussion about the committees. Chuck said that the Finance Committee would probably become the Fundraising Committee as they move along. The Missions Statement Committee is finished. The Public Relations Committee is on hold.

Joyce Farnsworth said she spoke with a woman that is proposing putting a cookbook together as a fundraiser for the County Home. They will be needing recipes for it, if anyone is interested.

Tanya Rodgers passed out some information she got from the Internet entitled "ASPE Research Notes – Licensed Board and Care Homes: Preliminary Findings from the 1991 National Health Provider Inventory". As far as she understands it, a County Home does not need to be licensed as a board and care facility and Joyce said that it cannot be licensed but they can be certified.

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Public Participation

Carole Feron, Montville Township resident, announced that Medina County Cares will be having a booth at the Medina County Home and Flower Show and she invited everybody to stop by to show their support of the County Home.

Adjournment

The meeting adjourned at 7:28 p.m. The next meeting will be Wednesday, April 30, 2003 at the County Home.

Respectfully submitted,

Pam Vereb, Secretary