

**Emmet County Department of Human Services  
Board Meeting Minutes  
August 21, 2008**

**Board Members present:** Fred Rogers, Board chairperson  
Robert Engel, Board vice-chairperson  
Mary Horan, Board member

**Board Member absent:** None

**Staff Members present:** Diana L. Bailey, LNHA, MBA, Executive Director  
Janet R. VandenBerg, ALS, Executive Assistant

**Staff Members absent:** Michael Greer, CPA, Director of Financial Services

**Others present:** Kathy Abbott, Esq., Emmet County Civil Counsel  
Leroy Gregory, Emmet County Commissioner/Liaison to Board

Fred Rogers, board chairperson called the meeting to order at 10 a.m.

I. **PUBLIC COMMENT:** None

II. **GUEST(S):** None

III. **APPROVAL OF MINUTES:**

Mr. Rogers then asked if there were any additions or corrections to the meeting minutes of July 17, 2008. Mr. Engel mentioned the correction under Section **II A. changing 2007 to 2008.**

**Mrs. Horan made a motion to accept the meeting minutes distributed of July 17, 2008, and supported by Mr. Engel as corrected. Voice votes held and motion carried.**

IV. **EXECUTIVE DIRECTOR :**

A. **Case Mix Payment System** – Mrs. Bailey explained that this is a program in 31 other states and Michigan is currently reviewing this based on level of care. Further discussion held.

B. **Involuntary Discharge** – Mrs. Bailey asked Kathy Abbott to give an update to the board. Ms. Abbott presented a recent letter from William Brown, court-appointed Guardian ad litem for the resident. Kathy Abbott explained there has been a flurry of correspondence from Mr. Brown. She also stated she has not received anything from the Guardian’s attorney including an appeal. Further discussion was held regarding the time for an appeal of the decision of the Administrative Law Judge. Kathy Abbott addressed the issue of a care plan conference mentioned in Mr. Brown’s letter. He stated that the resident or he was not invited. Mrs. Bailey clarified what takes place, as far as notification, when a care plan is scheduled. Kathy Abbott stated a hearing is scheduled before Judge Mulhauser for next Monday, August 25. It was discussed whether to settle the matter based on Mr. Browns’ letter before the Judge gives his opinion.

**Mr. Engel made a motion to authorize Executive Director and/or agents to make the decision whether to settle the case or proceed with court hearing. Mrs. Horan supported motion. Voice votes held and motion carried.**

- C. **Resident/Police Activity** – Mrs. Bailey updated the board on this issue and explained the status. Kathy Abbott also addressed the issue, which she has been kept of abreast of. Discussion was held on various aspects and Mrs. Bailey will check with our insurance carrier (risk management portion) and see if there is any potential liability for the facility with this matter.
- D. **Attorney General Activity** – Mrs. Bailey addressed the attorney general’s issue. The facility has turned over four accounts for collection with them and hearings have been set on at least three of them. One of the cases has been paid in full, but there is a potential for flight risk concerns with a resident as well as possible psychological abuse with the same resident. A doctor’s order was put in place regarding issues of concern and further discussion held including that the Attorney General’s office is aware of the issues above.
- E. **Project Closure Activity** – Mrs. Bailey informed the board she has received the Project Closure Certificate of Completion on Ventilation Project from the State.
- F. **Contracts -**
1. **Michigan Community Dental Clinic** – Mrs. Bailey gave an update to the Board regarding this new program available for the residents at the Facility. She emphasized that it will save money both on staff time to transport and transportation costs. Kathy Abbott made a number of suggestions, which most have been addressed and changed in the contract provided. Mrs. Bailey mentioned it would cost the Facility \$10 per resident or a maximum of \$1,200 annually to implement this program. Mr. Engel had a couple of questions, which Kathy Abbott addressed. This contract is for a one-year period.  
**Mrs. Horan made a motion to approve the contract with amendment made and supported by Mr. Engel. Roll call vote taken: (YES) Fred Rogers, (YES) Robert Engel, and (YES) Mary Horan. Motion carried.**
  2. **PT/OT Therapy (Tim Bondy Therapy) Contract** – Mrs. Bailey reviewed this contract with the Board. Kathy Abbott explained where she recommended changes. Discussion held. This contract expires 07/31/11.  
**Mr. Engel made a motion to approve the renewal contract for Tim Bondy Therapy for PT/OT Services and supported by Mrs. Horan. Roll call vote taken – (YES) Fred Rogers, (YES) Robert Engel, and (YES) Mary Horan. Motion carried.**
  3. **CMI (Citizens Mutual Insurance Company of America) Workers Compensation contract.**  
Mrs. Bailey shared with the board that this contract currently has saved us \$235,000 annually. The concerns brought up last year were addressed and corrected. Discussion held. This contract will expire August 31, 2010. Keith Theisen is the attorney of record.  
**Mr. Engel made a motion to authorize chair to sign the Service Contract and Declaration Page with CMI for worker compensation cases. Mrs. Horan supported the motion. Roll call vote taken – (Yes) Fred Rogers, (YES) Robert Engel, and (YES) Mary Horan. Motion carried.**
- G. FOIA (Freedom of Information Act) Policy – Kathy Abbott reviewed with the board revisions to the policy including charges for copies, time, etc., and how to implement it, due to recent court cases.  
**Mr. Engel made a motion to authorize chairperson to sign the revised FOIA policy as presented and supported by Mrs. Moran. Voice votes taken and motion carried.**
- H. **Affirmative Action (Non-Discrimination) Senior Millage** – This form needs to be signed as a part of the application for senior millage funds. Mrs. Bailey explained to the board that they applied for \$20,000 for 2009. The Affirmation and appointment of Mrs. Bailey as the Facility’s representative needs approval.

**Mrs. Horan made a motion to approve the Affirmation of Non-Discrimination, supported by Mr. Engel. Voice votes taken and motion carried.**

**Mr. Engel made a motion to authorize Mrs. Bailey as the contact person and sign whatever documentation is required. Mrs. Horan supported motion. Voice votes taken and motion carried.**

- I. **501(C)(3) Update** – Mrs. Horan requested an update on the 501(c) (3) foundation board, etc. Mrs. Bailey let the board know who the current board members were (Dr. Cooke – chair, Fred Simons – member, Diana Bailey – member, Fred Rogers – ECDHS Board representative, Tom Shier – county representative), what was currently being worked on, and possible future projects. Mr. Rogers wanted it noted in the minutes that he attended the recent Petoskey-Harbor Springs Foundation’s Annual Meeting and gave a copy of the report to Mrs. Bailey.

V. **DIRECTOR OF FINANCIAL SERVICES** – (Diana Bailey Reviewed)

- A. **Cash Report** – Mike Greer distributed copies in packets of the Cash Report ending July 31, 2008. Mrs. Bailey reviewed with the board the report, answered questions and stated that the check for July didn’t arrive until August 1.

- B. **Financial Report** – Mr. Greer also distributed copies in packets of the Financial Report ending June 30, 2008. Discussion held.

**Mr. Engel made a motion to accept the Cash Report ending July 31, 2008 and the Financial Report ending June 30, 2008 as distributed and supported by Mrs. Horan. Voice votes held and motion carried.**

- C. **Accounts Payable/Pre-Pays** – These items were discussed at the Finance Meeting earlier today as follows: 8/07/08 - \$138,173.30; 8/21/08 - \$238,547.06 for a total of \$376,720.36.

**Mr. Engel made a motion to approve bills for August as presented and paid. Mrs. Horan supported the motion. Roll call vote taken – Fred Rogers (YES), Robert Engel (YES), and Mary Horan (YES). Vote carried.**

- D. **Closed Session – W/C Case** – Mrs. Bailey stated to the board that Keith P. Theisen, Attorney

submitted a letter for consideration. Discussion held.

**Mr. Engel made a motion that the Board meet in closed session to discuss the August 13, 2008, letter from Attorney Keith P. Theisen which is subject to the attorney-client privilege and concerns trial or settlement strategy in connection with the workers’ disability compensation case, *Weiss v Bay Bluffs – Emmet County Medical Care Facility*, because an open meeting would have a detrimental financial effect on the Facility’s position. Mary Horan supported the motion.**

VI. **CLOSED SESSION** – Board went into closed session at 11:38 a.m. Roll call vote taken: (YES) Fred Rogers, (YES) Robert Engel, and (YES) Mary Horan. Roll call vote approved.

VII. **OPEN SESSION** – Board came back into open session at 11:46 a.m.

VIII. **OLD BUSINESS** – Mrs. Bailey apprised the Board on some changes that are forthcoming from the state in regards to surveys, etc.

IX. **NEW BUSINESS** – None

X. **NEWSPAPER ARTICLES / LETTERS** – in packets for review

XI. **ADJOURNMENT** – Mrs. Horan made a motion, supported by Mr. Engel to adjourn the meeting at 11:55 a.m.

XII. **NEXT MEETING** – The next regular scheduled meeting is for Thursday, September 18, 2008 with the Finance Meeting at 8:45 a.m. and the Board Meeting at 10 a.m.

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Date

Fred Rogers, ECDHS Board Chairperson

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Date

Diana L. Bailey LNHA, MBA, Executive Director  
Designated Secretary to the ECDHS Board

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Date

Janet R. VandenBerg ALS, Recording Secretary

pc: Fred Rogers, Robert Engel, Mary Horan, Kathy Abbott, Leroy Gregory, Toni Wiltse, Gail Martin, Noreen Strange, Jim Tamlyn, Tom Shier, Alan Behan, Jack Jones, Tom Foltz, Les Atchison.