

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 23, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners present: Bob Workman, Interim Chair
Larry Hudkins
Deb Schorr

Commissioners absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

Others present: Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 16, 2010.**

MOTION: Hudkins moved and Schorr seconded approval of the minutes. Hudkins, Schorr and Workman voted aye. Motion carried 3-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, February 23, 2010.**

MOTION: Schorr moved and Hudkins seconded approval of the claims. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

3) **NEW BUSINESS:**

A. **A resolution approving a keno satellite location in the Village of Bennet at Bennet Square, 625 Monroe Street, Bennet, Lancaster County, Nebraska. (R-10-0019)**

Tom Fox, Deputy County Attorney, said an approval letter from the City Keno Committee and an application are attached to the resolution. Investigator Russell Fosler, Lincoln Police Department, said his department completed a criminal background check and on-site inspection; Bennet Square has fulfilled the requirements, including the parking requirement of one stall per 100 square feet of space.

MOTION: Schorr moved and Hudkins seconded approval of the resolution. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

3) **NEW BUSINESS CONTINUED:**

- B. **An agreement with Joyce Schmeeckle, Ph.D., d/b/a Schmeeckle Research, for program evaluation services for "The Odds Are..." youth gambling prevention grant. Term of the agreement is from July 1, 2009, through June 30, 2010. The County shall pay \$3,500 for the services. (C-10-0075)**

MOTION: Hudkins moved and Schorr seconded approval of the agreement. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

- C. **An agreement with Joyce Schmeeckle, Ph.D., d/b/a Schmeeckle Research, for program evaluation services for the Lincoln-Lancaster Substance Abuse Action Coalition Prevention Block Grant. Term of the agreement is from July 1, 2009, through June 30, 2010. The County shall pay \$5,000 for the services. (C-10-0076)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

- D. **A lease agreement between Lancaster County and the Lincoln Auto Auction for a 2003 Buick Century for the benefit of the Lancaster County Sheriff's Office. The lease will begin February 8, 2010, and will renew each subsequent February unless otherwise terminated in writing. The lease amount is \$1 per year. (C-10-0077)**

Bill Jarrett, Chief Deputy Sheriff, stated this would be the second lease of this type with the Lincoln Auto Auction. He said his department is short a vehicle, and Lincoln Auto Auction approached the department with the offer.

MOTION: Hudkins moved and Schorr seconded approval of the agreement. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

- E. **An agreement with Jeffrey Jarrett, M.D., to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Jeffrey Jarrett, M.D., will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-10-0078)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

3) **NEW BUSINESS CONTINUED:**

- F. **An amendment to a contract between Commonwealth Electric Company of the Midwest, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for the unit price contract for emergency and large project electrical services. The amendment renews the contract for an additional term from April 1, 2010, through March 31, 2011. (C-10-0079)**

MOTION: Hudkins moved and Schorr seconded approval of the amendment. Hudkins, Schorr and Workman voted aye. Motion carried 3-0.

- G. **Execution of County Board signatures on final plat for Saint Francis 1st Addition generally located at the corner of South Street and S. 10th Street, Lincoln, Lancaster County, Nebraska, and pertaining to the Lancaster Manor property.**

MOTION: Schorr moved and Hudkins seconded approval to execute the signatures.

Hudkins said the sale of Lancaster Manor and its property has not been finalized, so he felt this action was premature.

ROLL CALL: Schorr and Workman voted aye. Hudkins voted nay. Motion carried 2-1.

- H. **Setting the salary of Todd Molvar, Deputy Public Defender, in the amount of \$56,000 per year, effective February 17, 2010.**

MOTION: Schorr moved and Hudkins seconded approval of the salary. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

- 4) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. **Receive and place on file the County Sheriff monthly report for January, 2010.**

B. **Setting of a public hearing for Tuesday, March 16, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for an amusement license from Raymond United Methodist Church to hold a swap meet on August 28, 2010, at 11505 N. 14th Street, Raymond, Lancaster County, Nebraska.**

MOTION: Hudkins moved and Schorr seconded approval of the consent items. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

5) **PUBLIC COMMENT:**

Kim Kaspar, President of American Federation of State, County & Municipal Employees, discussed information she found in newspaper articles on Rothner-owned nursing homes. She said she spoke directly to the authors of the articles and expressed concern over the company purchasing Lancaster Manor. Kaspar also questioned why the County is paying Manor employee insurance. Hudkins requested copies of Kaspar's comments and articles, which she submitted (Exhibit A).

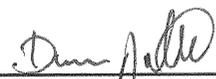
Melvin Moore discussed the information previously presented by Kim Kaspar on Rothner-owned nursing homes; he felt the information should have been considered more in the sale of Lancaster Manor. Moore inquired about insurance premiums still being paid for Lancaster Manor employees by the County. Hudkins said his understanding was Lancaster County would pay for employees in January and February. He inquired with the County Attorney's office, who said the County could still cover the insurance and there was precedent for doing so. He also checked with Personnel, who said coverage could continue if the employee has already paid for the premium.

6) **ANNOUNCEMENTS:**

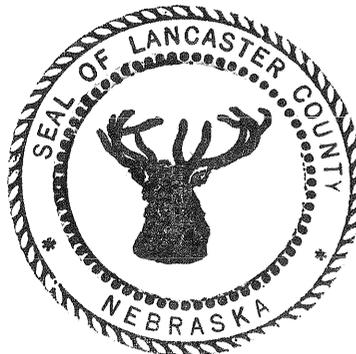
- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, February 25, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the internet 24 hours a day at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

7) **ADJOURNMENT**

MOTION: Hudkins moved and Schorr seconded to adjourn the Board of Commissioners meeting at 9:53 a.m. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 23, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners present: Bob Workman, Interim Chair
Larry Hudkins
Deb Schorr

Commissioners absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:53 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 16, 2010.**

MOTION: Schorr moved and Hudkins seconded approval of the minutes. Hudkins, Schorr and Workman voted aye. Motion carried 3-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 31 additions and deductions to the tax assessment rolls per Attachment "A".**

MOTION: Schorr moved and Hudkins seconded approval of the additions and deductions. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Catholic Bishop of Lincoln
Dialysis Center of Lincoln, Inc.
Nebraska Conference United Church of Christ

MOTION: Hudkins moved and Schorr seconded approval of the motor vehicle tax exemptions. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Developments Unlimited, LLP

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval to send the notice with the corrected value. He explained there was confusion regarding a building permit, and the house was listed on two different lots. The notice would remove the house from the lot where it does not exist.

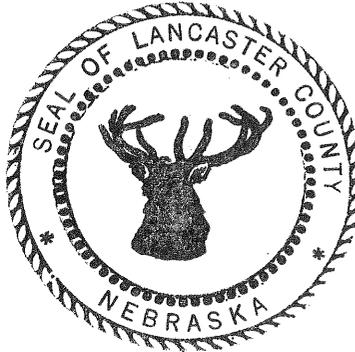
MOTION: Schorr moved and Hudkins seconded to send the notice. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Equalization meeting at 9:55 a.m. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk



Feb. 23, 2010

We have again learned of alarming information in regard to the Rothner's and the homes of which they own. In the forefront of controversy, the most recent news posted by the Post-Tribune, is Northlake Nursing and Rehab in Merrillville, IN is in the process of being closed by the State of Indiana.

Post-Tribune articles Jan. 30, Feb. 5 and Feb. 13, 2010 (Northlake)

This home has earned the status of making the federal governments **Special Focus Facilities** list of the worst in the country. In an attempt to save the home Rothner tried to sell it to Gubin and Blisko. Blisko was a former administrator at Sebo's; a Rothner owned home, the other a close family friend. **Both Gubin and Blisko, who own other homes in IL, are rated poorly by state and federal authorities.**

Northlake made the Special Focus List about one year ago and has since failed to make improvements even though it was granted **three probationary operating licenses**, which cannot be extended again. Northlake now needs to look into relocating at least 99 residents to other homes and the closure process would begin. In January Health Dept. Long Term Care Division Director, Kim Rhoades said **Northlake had failed to improve during these probationary periods and care there had deteriorated.**

Norwood, president of the Northlake Resident Council said, "Most of the residents **blame owner Eric Rothner for failing to staff the home adequately, address deficiencies quickly and invest in repairs and improvements.**"

Chicago Tribune Jan 10, 2010 (Somerset Place)

A team of at least seven **federal investigators** has been scouring the records of a troubled North Side nursing home in response to Tribune reports and a Chicago alderman's complaints about problems in the facility.

From April 2008 to July 2009, records show, Chicago police investigated 15 alleged assaults or batteries inside Somerset, as well as five reported cases of criminal sexual assault and another five reports of narcotics

possession. State public health authorities last year cited the home for failing to monitor and treat mentally ill patients, and state and federal agencies have levied more than \$80,000 in fines for alleged safety infractions, Arnold has said.

Chicago Tribune Jan. 13, 2010

At the hearing, Foster District police Cmdr. Lucy Moy-Bartosik said that during the 19 months from January 2008 through July 2009, there were nearly 5,000 calls for police service to the area around the Somerset Place nursing home in Uptown. While some of those 911 calls were frivolous, others were for serious crimes, and the sheer volume represented a significant burden on police, she said.

State and federal authorities have notified Chicago's troubled Somerset Place nursing home that it will be shut down unless it quickly remedies serious safety breaches that put "the health and safety of ... residents in immediate jeopardy."

After a 10-day investigation, the federal Centers for Medicare & Medicaid Services, or CMS, warned the facility that it could face termination from the federal health care programs within 23 days unless the problems are corrected. **Federal fines of \$6,050 per day** also are accruing against the facility.

Smith welcomed the strong government action. "I'm so happy on behalf of residents, their families and my community," she said. Smith added that she hoped the building would remain as a nursing home — but "run by responsible operators."

Chicago Tribune Feb. 5, 2010

Federal health care authorities on Friday moved to terminate funding to the troubled Somerset Place nursing home in Uptown, saying in court filings that systemic violence, abuse and mistreatment put "the health and safety of ... residents in immediate jeopardy."

Two Somerset workers recently told federal inspectors that the **facility was understaffed and that caseworkers were poorly trained.** "Once you leave," one told the inspectors, "it's going to go back the same way." When asked what the

administration was doing to improve Somerset, a former program director told the inspectors: **"Not a lot. I think that's the biggest issue. There is a sense of futility when the people you report to aren't supporting you."** Separately, the state public health department last month began the process of revoking the facility's state license. Somerset has requested an administrative hearing to contest that action.

So where does this leave us? You investigated them yet did you really look into the business they are in? It seems the County is more fit to run a nursing home than you think it is. And you said you cared about the residents and employees!!! As Mr. Heier stated "If this is true, it turns my stomach." The sacrificial lamb should have been the sacrifice not the employees who now cannot afford insurance. And what can you tell us about the strong rumor of many getting laid off or fired so contract services can replace them? Yet you want to believe in this group and again sacrifice our most vulnerable people. I can only hope the Social Service workers don't get furloughed before these unemployed workers end up in the meal lines at the Soup Kitchens. Do the math, if you can, and see if the unrealistic sale price of the Manor was worth the lives of the people who gave there all supporting and caring for the vulnerable people of our community.

Kim Kaspar

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LOCAL NEWS ::

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Embattled nursing home may be sold soon

State of Indiana has not approved sale, which must be completed by Sunday

Comments

January 30, 2010

BY MARK TAYLOR, POST-TRIBUNE CORRESPONDENT

The prospective buyer for the troubled Northlake Nursing & Rehabilitation Center in Merrillville is a newly formed company owned by a former employee and close family friend of the man who currently owns the facility.

The Indiana State Department of Health has not yet approved the Northlake sale, which must be completed by Sunday or the home would have to begin a 30-day closure process. An ISDH official said agency staff is working through the weekend to verify information in the proposed purchase agreement.

» Click to enlarge image



The Northlake Nursing and Rehabilitation Center on 61st Avenue in Merrillville has apparently been sold.

(Scott M. Bort/Post-Tribune)

If their proposal is approved, Moise Gubin of South Bend and Michael Blisko of Chicago will become the new Northlake owners. A friend, Jeffrey Sax, will provide financial advice. Gubin and Blisko own eight nursing homes in the Chicago suburbs and Blisko said the firm's Illinois company, Intinity Health Care, specializes in turning around troubled facilities.

Multiple connections

The companies that currently own Northlake are controlled by Illinois nursing home operator Eric "Ricky" Rothner, who continues to own through holding companies Northlake's land

RELATED STORIES

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and buildings.

In addition, Rothner, who owns or has owned interests in more than 20 nursing homes in Indiana, Illinois, Nebraska and Ohio, also owns a number of companies that provide therapy, towels, bedsheets and linens, durable medical equipment and other products and services to his nursing homes, including Northlake.

Dubious distinctions

Two of Rothner's Northwest Indiana nursing homes have earned the distinction of making the federal government's Special Focus Facilities list of the worst nursing homes in the country. Rothner sold Valparaiso Nursing and Rehabilitation to a central Indiana nursing home operator. Northlake made the list about one year ago, but has failed to make improvements and the state issued three probationary operating licenses, the last of which expires Sunday and under state law cannot be extended again. If the state fails to approve the purchase, the state Health Department must help to relocate the 99 residents, some of whom are in one of the state's few ventilator units.

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Chris Herrmann, the local ombudsman for Northwest Indiana Community Action Corp., the area's agency on aging, said Blisko and Gubin once owned a nursing home in Roselawn, but sold it years ago. And years ago Blisko was administrator of a Rothner home in Hobart, Sebo's Nursing and Rehabilitation Center, which last year scored the worst of any Indiana nursing home on the state's Nursing Home Report Card.

State scrutinizing sale

Herrmann said the state Health Department is "showing an unprecedented amount of scrutiny into this sale compared to times past. I'm impressed. The sale doesn't mean that Northlake comes off the government's watch list. It's still on it. Either it gets better or they get out. But I'm cautiously optimistic. These are operators I can work with. And there are strong expectations for positive changes."

Blisko said he's still waiting for state approval and it would be premature to speculate too much on Northlake's future until then.

However, he said Rothner would "absolutely not" have any say in future operations if the sale is approved.

"I don't even know who the official owner of the land and buildings is, but I can tell you with great certainty that Mr. Rothner will have zero ownership of the nursing home."

Blisko also said he was not in partnership with Rothner in any of his Illinois nursing homes. "Absolutely not," he vowed.

Blisko said if he and Gubin are successful in their bid, they plan to leave current nursing home management in place for the time being.

Management would stay

"Right now everything is staying the way it is to insure good continuity of care. The residents are familiar with everyone in the building, so there's no reason to bring in outsiders and change anything," he said, noting that the new owners will monitor performance and make assessments about possible changes to improve patient care.

"I am very excited to be back in Indiana and look forward to the opportunity of serving here again," he said.

"If we're successful in our bid, at the end of the day it will prevent the eviction of 100 vulnerable people from their homes, an outcome that can be disastrous for some of them."

He said his company has been successful in turning around problematic troubled facilities.

Negative site ratings

But six of his eight Illinois nursing homes received "much below average" rankings by the federal Nursing Home Compare Web site, which is operated by the U.S. Centers for Medicare and Medicaid Services, the agency that administers Medicare.

And three have been cited for serious quality of care violations by the Illinois Department of Public Health.

Joe Zimmerman, the CEO of Extended Care Clinical, the Evanston, Ill.-based company that provides consulting services to Rothner facilities, said if the sale is completed Rothner will not be involved in the operations of Northlake.

"It's a complete change of ownership. We're not going to operate it anymore. But Mr. Rothner never did operate the facility," Zimmerman said. "Consulting companies did."

Illinois government data reveals those consulting companies are owned or controlled by Rothner.

Gubin, Blisko praised

Zimmerman calls Gubin and Blisko "excellent operators and I have great confidence in their ability to operate a facility and take care of residents. We only have the best interests of our residents in mind."

However, Zimmerman said he didn't know if Rothner or his companies owned the Northlake land and buildings and referred inquiries to an attorney who did not return phone calls seeking clarification.



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When asked what happened over the years to cause Northlake's problems and eventual decline, Zimmerman said, "No comment."

Robin Grant, long-term care policy director for the Indianapolis-based senior advocacy group, United Senior Action, said if the sale goes "it could be very troublesome for the future of the residents at Northlake. The way it seems now is that the new owners are almost partners with the former owners. It looks like very little has changed and the people who suffer will be the residents."

More transparency sought

Grant said this proposed sale points to the need for greater transparency of ownership of nursing homes.

"If the state approves this, I would be appalled. If the prospective owners have had quality problems in the past at their other nursing homes, why are we giving these people the continued opportunity to harm others? It's outrageous."

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The views expressed in these blog posts are those of the author and not of the Post-Tribune.

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aron wrote:

Of course Blisko and Rothner are connected. They own therapy company and supplies companies together. Of course Rothner is the landlord as well, that is why there was no comment from Zimmerman. Blisko and Gubin no very well who they are paying rent to. For Blisko to make the comment that he turns around facilities is a lie. His poor compliance ratings in his Illinois facilities is testimony to that fact. I suggest the State do their homework, before some residents get killed.

2/1/2010 11:52 AM CST on post-trib.com

Report Abuse

Speak-up wrote:

Well it's about TIME!! Someone has heard the cry of the neglected left in bed most of the time, without showers, sitting in their own waste for hours or even without regular hydration. From my own experience in dealing with this nursing home most are working together, to keep all the dirty little secrets a secret. The top at the top and the bottom at the bottom. And you know who you are. :) Its All About The Money with these places with alot of Medicaid residents. In short, I call it warehousing the elderly. Short staffed at times, over worked, and low pay equals very very low morale, doesn't that sound like a warehouse. Let's stop saving and covering up the truth people. And you people in charge of this facility are going to have a rude awakening when you die. They may be elderly, but they still belong to God, and they matter to Him. Residents too deserve to be clean, drink water, and have their basic needs meant more than at shift change. Pay your workers so that they have pride in their jobs. The bedsores and infections come from the lack of movement and not being kept CLEAN. Keep a Very Watchful Eye if you ever have a loved one in their care. And pray to God to keep you strong and do whatever it is you have to do for your loved one. You certainly become your family member or friends voice. Know what questions to ask and the laws regarding nursing home care. And make the staff follow them if you find they are not. Also contact the state health department, ombudsmen, or even the attorney general. But let me add, most of the time just a tiny smack on the hand is what is given to complaints and done with a smile in exchange for a check. But don't stop because those complaints from different individuals add up. And after a while a futher look has to be taken, hopefully one day At The State Itself. If you have a family member go into the hospital from a nursing home tell the social worker at the hospital any concerns you have about their care at the nursing home. I feel an outside agency needs to come in and investigate the state with the practice it has in dealing with the nursing homes. A smack on the hand is not a punishment for the sheer neglect of the elderly especially those who are unable to speak or move without help. Stop Warehousing the Elderly-- They still have souls and people that love them. HATS OFF To those at North Lake who don't get caught up in the ignorance that radiates through the halls from so-called professionals who gather like high

schoolers that don't have any homework to do. Stop trying to be friends with everyone and stand up and say "Hey guys we have plenty of work to do. Stand Up in Yourself, and if you had done this then their wouldn't have been so much neglect to the point of the transfer of ownership or possible closure. Oh, and I do feel the nursing home should be buried like many of those who lived there. Except before it's placed in the ground it has to have many bricks knocked out to create some really big dents like the many who were buried with bed sores.

1/30/2010 9:32 PM CST on post-trib.com

Report Abuse

meeee wrote:

Hmmm...close family friend.
Keep it in the family must be the motto...

1/30/2010 4:32 PM CST on post-trib.com

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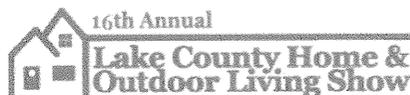
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Nursing home sale plan is rejected; closure near

Facility to close; 99 patients must be transferred

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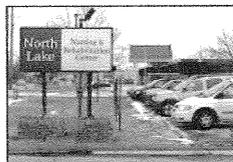
February 2, 2010

BY MARK TAYLOR, POST-TRIBUNE CORRESPONDENT

In a surprise move, the Indiana State Department of Health on Monday rejected a purchase bid for a troubled Merrillville nursing home and informed Northlake Nursing and Rehabilitation Center that it must close and transfer its 99 residents.

In an emergency order issued Monday, the Health Department's Long Term Care Division Director Kim Rhoades and Indiana Assistant Health Commissioner Terry Whitson ordered the nursing home to begin the process of relocating residents.

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The proposed sale of the Northlake Nursing and Rehabilitation Center in Merrillville was rejected Monday by the Indiana State Department of Health. (Scott M. Bort/Post-Tribune)

If you have loved ones at this home, contact Mark Taylor at mar.kic46321@yahoo.com.

In January, Rhoades said Northlake had failed to improve during these probationary periods and care there had deteriorated.

"Given the survey just conducted last month and the center's history, I don't see any way that I can authorize a full license," Rhoades said at the time.

The home has been plagued with quality and safety issues for years.

Northlake is one of four Lake County nursing homes owned by companies controlled by Eric Rothner, a Skokie, Ill., entrepreneur who owns or controls more than 20 nursing homes in at least four states. Rothner's Indiana facilities are ranked among the lowest in the state by state and federal health agencies and Northlake is on the Special Focus Facilities list of the nation's worst nursing homes.

Rothner and his Evanston, Ill.-based companies had intended to sell Northlake to Gubin and Blisko. Blisko formerly worked for Rothner and served as administrator of another of his Lake County nursing homes,

The state was prepared to begin the relocation process in mid-January and had ordered Northlake to hire a monitor to oversee the care transition when it learned that a prospective buyer, a newly formed company owned by Moishe Gubin of South Bend and Michael Blisko of Chicago, offered to purchase the facility from owner Eric Rothner.

The state spent last week scrutinizing the offer, ultimately rejecting the bid from Gubin and Blisko, who own eight Illinois nursing homes. That meant the nursing home, one of only a handful in Indiana with a ventilator unit, would need to begin the closure process.

At press time, state officials could not be reached for comment. Northlake was issued its third and final probationary license, which expired Sunday.



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Sebo's Nursing and Rehabilitation Center in Hobart, another troubled home that last year received the state's worst score on the Health Department's annual Nursing Home Report Card. The Illinois nursing homes of Blisko and Gubin are also rated poorly by state and federal health agencies.

Phone calls to Rothner seeking comment were not returned.

Elizabeth Surgener, a spokeswoman for the Centers for Medicare and Medicaid Services, said the state of Indiana is responsible for overseeing efforts to relocate the residents.

Christopher Herrmann, the local long-term care ombudsman, said Northlake officials told him the home plans to appeal the closure. Herrmann said he and state officials will meet with Northlake residents and their families this week. Herrmann said that transferring patients can be a traumatic experience, but he said local nursing home administrators told him plenty of local beds are available. "I'm not worried about bed availability," said Herrmann.

Placing the home's nine ventilator patients may be more difficult. The closest skilled nursing facility offering ventilator units is Valparaiso Care and Rehabilitation Center, which Rothner sold several years ago to a central Indiana nursing home chain. Officials at Valparaiso Care and Rehabilitation there did not return Post-Tribune calls seeking comment. Herrmann said residents have a choice where they would like to live. That closure process could take months.

"They can go to other Rothner facilities, check out other area nursing homes and some might even be able to transition to community care. But Northlake will remain open until the last resident is transferred out."

Patti Shimala, administrator of Munster Med-Inn, said that facility had about 15 open beds available. "We're in a position to evaluate any long term care patients," Shimala said.

John Grimm, administrator for the South Shore Health and Rehabilitation in Gary, said that facility could accept up to 14 patients. Grimm said, "It would make good business sense for Northlake to utilize their three sister facilities to transfer patients, but patients should search wisely."

Grimm oversaw the closure of Clark6 Nursing and Rehabilitation in Gary in 2006. "We worked around the clock for three months to close that home," said Grimm. "Employees will likely not lose their jobs and residents will find new homes. But it can be very stressful."

Robyn Grant, long-term care policy director for the Indianapolis-based advocacy organization, United Senior Action, said "It is very, very rare for the state to close down a nursing home. That speaks to how bad conditions were there. I have mixed emotions. I think it would have been unconscionable to grant a license to the prospective buyers, but it's always devastating to have to transfer patients," said Grant, Indiana's former long-term care ombudsman. "The transfer must be handled really, really well. And patients should be transferred to the nursing home of their choice and be educated about their rights."

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The views expressed in these blog posts are those of the author and not of the Post-Tribune.

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meeee wrote:

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 Good for you for speaking up. However, as you found out it doesn't do much good.
 Lot of money going in these nursing homes and they don't hire enough help for one thing and as you said, they don't maintain some of them either.
 It is a pretty lucrative business. From what they get from Medicaid and private payers pay almost 6,000.00 per month.
 Comes down to greed....

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speak-up wrote:

Thank God, Thank God... Good Job State. Its not okay for people to suffer. Thank you for sending this message to other facilities. Al-Mighty God is going to take care of the ones who abused and neglected the souls he created and ordained to live into old age.

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that ain't right wrote:

It has been over three years when these red flags was first given to Northlake I was working there then.You see i just want some one to explain to me why or how did these homes got in these condition when they were reported to each head department.From the loes in the ceiling , electrical wiring hanging out the walls.To the residents pushing their selves down the hall. With urine falling out of the bags.What about the man who weightd about 500 lbs.He layed in that room everyday with flies flying around him.They had brastfast lunch and dinner off this guy.He smell so bad that nurses on evening shift would not go in his room to give him his med. He had three fans on him at all time and this building was suppose to be aircondition. It had a unit but it was not enough for this big man.the room stink housekeeping would not go in and clean it.It smell to bad.He layed and that bed and those fly bites turn into sores tell it to your super did no good.. Talking bout filthy that should have been the name of this suppose to be nursing home . The homeless live better then some of them.I wonder what happen to the resident who would refuse to eat till some changes was done. Well i could keep on going but that would not do any good.Thank you state department for not allowing this home to stay open under the friends name . SO who would really own the dump the new owner or the same sorry ones just under a new name. Good job state department. Now all the rest of these homes better pay attention.

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LOCAL NEWS ::

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Some residents don't want Northlake to close

Comments

February 13, 2010

BY MARK TAYLOR, POST-TRIBUNE CORRESPONDENT

A group of residents at Northlake Nursing and Rehabilitation Center in Merrillville say they don't want to leave the troubled nursing home that Indiana health officials are closing and blame the state and current ownership for its demise.

Some have resided at the nursing home for more than a decade, one as long as 25 years.

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Dwight Everley sits in the room he shares with Kenneth Winston (not visible) at Northlake Nursing and Rehabilitation in Merrillville. Everley has been at Northlake for a little over a year. (Stephanie Dowell/Post-Tribune)

"This is my home," said Brenda Norwood, a former East Chicago resident and retired secretary who has lived at Northlake for nearly seven years. "I met my boyfriend here. They take good care of me. When I came here I was pretty depressed and couldn't walk. I'm a heart patient and diabetic, and I'd had surgery for the ulcers on my heels. The nurses helped me come out of it. I've come a long way and I've gotten better since I've been here," Norwood said. "The quality of care here has helped me to recover."

Norwood echoed the sentiments of half a dozen patients who wheeled their chairs or hobbled into a crowded activities room to show a petition to prevent the closure signed by 100 residents, family members and vendors serving the nursing home.

"I like it a lot here," said Pearl Bower, 54, formerly of Cary, a widow and stroke victim who lived at a Hobart nursing home until she arrived at Northlake last year. "They didn't treat me fairly there, so my husband brought me here in March. He died since then and now I have no place else to go. A lot of us don't want to go. My boyfriend was here. He didn't want to leave either."

Many of the residents interviewed by the Post-Tribune on Friday disputed the state's contention that Northlake offered poor quality nursing care and said problems that did occur were minimal, although a few complained about lack of water at times or short staffing.

Last year the federal agency that administers Medicare, the Centers for Medicare and Medicaid Services, placed Northlake, which has suffered patient quality and safety problems for years, on its Special Focus Facility list of the worst nursing homes in the country. Since then, the Indiana State Department of Health has issued temporary three-month probationary licenses for the home to operate, the third and final of which expired Jan. 31.

State and federal authorities had hoped that the increased scrutiny and more frequent inspections would persuade the nursing home to correct deficiencies and improve care. However, surveys in November, December and January found conditions had deteriorated. A proposed last-minute purchase offer was rejected by the state Department of Health on Feb. 1 because the state found the prospective new owners were not appropriate based on the track record of their Illinois nursing homes. Would-be owners Michael Blisko of Chicago and Moische Gubin of South Bend dispute that finding.

Northlake owner Eric Rothner and his Evanston, Ill.-based company, Extended Care Clinical, which own three other nursing homes in Lake County and more than a dozen in Illinois, Nebraska and Ohio, appealed the state finding last week.

Norwood, who is president of the Northlake Residents Council, said many of the residents will have no place else to go if the state continues the



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closure process it began on Feb. 1.

She said most residents blame owner Rothner for failing to staff the home adequately, address deficiencies quickly and invest in repairs and improvements.

"Corporate greed," said resident Kenneth Winston, 56, formerly of Hammond, who suffered a massive stroke and has lived at Northlake for nearly 15 years.

An ISDH spokeswoman said it would be inappropriate to discuss Northlake because of the pending appeal.

Resident Carren Larsen of Hobart, who requires a ventilator, said she was "scared to death" of living in a nursing home when she arrived and couldn't talk because of a tracheotomy tube in her throat.

"They got me well, and I even returned home for a while to be with my family," Larsen said. "If I hadn't fallen, I'd probably still be home. If they close this home I'll have to live far away from my family, because there is only one other nursing home with a ventilator unit in the area.

"Now my daughter picks me up and I can go home to visit. I don't want this place to close, and I don't want to have to move far away from my family to a place where nobody knows me. This is my home now."

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By David Jackson and Gary Marx

Tribune reporters

January 10, 2010

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A team of at least seven federal investigators has been scouring the records of a troubled North Side nursing home in response to Tribune reports and a Chicago alderman's complaints about problems in the facility.

The team from the Centers for Medicare & Medicaid Services, or CMS, has spent the week performing an unusual special audit and inspection of Somerset Place, 5009 N. Sheridan Road., that may extend into next week, government sources

told the Tribune.

Federal officials declined to comment on the probe or what specifically investigators are targeting at the facility. But state Department of Public Health spokeswoman Melaney Arnold said federal authorities asked state officials to postpone their own enforcement actions against Somerset until the federal probe is complete.

"The facility has been a concern to the state and the feds," Arnold said.

Somerset's owners and administrators did not respond to requests for comment, but in the past they have defended the operations of the home.

Specializing in mentally ill adults, Somerset had 66 felons among its roughly 400 residents in December and has been cited repeatedly for patient safety violations, state records show.

In recent articles, the Tribune chronicled lawbreaking by facility residents and the murder of one, Maratta Walker, who had been prostituting herself and using crack cocaine while living there.

From April 2008 to July 2009, records show, Chicago police investigated 15 alleged assaults or batteries inside Somerset, as well as five reported cases of criminal sexual assault and another five reports of narcotics possession. State public health authorities last year cited the home for failing to monitor and treat mentally ill patients, and state and federal agencies have levied more than \$80,000 in fines for alleged safety infractions, Arnold has said.

Neighborhood groups have complained about facility residents whose dangerous behavior spills into the streets. In recent months Ald. Mary Ann Smith, 48th, has urged federal law enforcement and public health authorities to address "reports of crime and neglect in and around the nursing home," she said.

"I felt the situation had become extremely dangerous for the residents and the community, and nothing less than federal agencies could deal with what was taking place," Smith added.

One government official who spoke on condition that he not be named said the current investigation was unusual for its scope and the number of agents involved.

Terry Sullivan, regulatory director of the Health Care Council of Illinois, a trade association of nursing

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homes," said "it is not unusual if there is media attention about a particular incident or facility for CMS to do a special survey. There is nothing like being on the front page."

Admitted to Somerset in January 2008 because of her mental illnesses and seizure disorder, Walker was placed on a pass restriction, meaning she was not supposed to leave without being accompanied by staff or a family member. But Walker soon was trading sex for cash and using cocaine only blocks from the nursing home, records show.

In May 2008, she strolled onto the streets alone, and 12 days later her decomposed body was found in a nearby motel room. Prosecutors charged a paroled bank robber with beating Walker to death after the two met on the streets and launched a days-long binge of drinking, sex, crack-smoking and heroin use. Murder charges against Edward Gibson, 58, are pending.

Eric Rothner, who through companies and family trusts has an ownership stake or consulting role in Somerset and more than a dozen Illinois nursing facilities, has in the past told the Tribune that his staff works "to assure that residents in our facilities have the best quality of life possible. We also work closely with the community to address any issues that may arise."

Illinois is unique among states in relying on nursing homes to house younger psychiatric patients, including thousands with felony records. A recent Tribune series documented a pattern of violence leading to injuries and deaths among the elderly, disabled and mentally ill in the state's facilities.

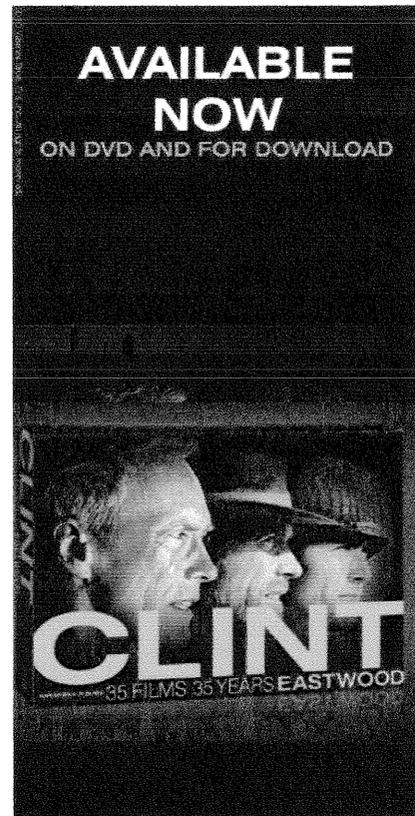
In response, Gov. Pat Quinn convened a Nursing Home Safety Task Force that will meet again Thursday as officials consider broad reforms to the state's troubled long-term care system.

Smith is also scheduled to hold a City Council hearing Tuesday morning on the city's nursing facilities. The session will include advocates for the elderly, mental health experts and others.

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TRIBUNE WATCHDOG COMPROMISED CARE

Troubled nursing homes: Chicago aldermen consider tougher oversight of facilities that house many felons and psychiatric patients

Calls to such nursing homes put burden on police, officials say

By Gary Marx and David Jackson

Tribune reporters

January 13, 2010

Chicago aldermen and the city's new health commissioner said at a hearing Tuesday that they were considering steps to strengthen oversight of troubled nursing homes that admit high numbers of felons and psychiatric patients.

"The city is providing huge (police) services to these for-profit institutions," said Ald. Mary Ann Smith, 48th. "Hopefully, the city of Chicago will revisit some of its policies and revisit its strategies for enforcement."

Smith initiated the hearing of the City Council's Committee on Health in response to community complaints about poor care and safety breaches at some facilities and a recent Tribune series that exposed cases of rape and murder in homes that mix geriatric residents with criminals and mentally ill patients. Some problematic facilities reap multimillion-dollar profits from taxpayer-funded programs, records show.

At the hearing, Foster District police Cmdr. Lucy Moy-Bartosik said that during the 19 months from January 2008 through July 2009, there were nearly 5,000 calls for police service to the area around the Somerset Place nursing home in Uptown. While some of those 911 calls were frivolous, others were for serious crimes, and the sheer volume represented a significant burden on police, she said.

Moy-Bartosik also said nearby shop owners were adversely affected by unsupervised nursing home residents who wander the streets and cause disturbances.

"Residents who are overmedicated or don't have the right medications are panhandling very aggressively and prostituting themselves," she said.

In a written statement issued after the hearing, a Somerset representative responded: "All of our patients

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face significant mental and behavioral health challenges. We have made a commitment, under new leadership, and have begun to turn the corner on these issues. It will take working in partnership with our neighbors and the community we serve."

Chicago once inspected and licensed nursing homes but turned over those responsibilities to the state decades ago amid budget cuts. Committee Chairman Ed Smith, 28th, said after the meeting that the city should consider resuming licensing and inspecting facilities to ensure the safety and proper treatment of vulnerable residents.

"That's one issue that we'll definitely be looking at," he said.

Ald. Robert Fioretti, 2nd, echoed that sentiment after the meeting. "If there's not good management and they're just taking the money," he said, "we ought to be looking at revoking licenses."

During the hearing, Fioretti described the painful history of All Faith Pavilion, a South Side nursing home where one elderly resident was beaten to death by his psychotic roommate in 2008.

"The nursing homes are just becoming, in a sense, out of control," Fioretti said. "The city is giving resources, the state is giving resources for these for-profit entities, and the city is faced with an enormous amount of (police) calls" for service.

Ald. JoAnn Thompson, 16th, at the hearing expressed shock at the growing population of mentally ill residents and felons at many facilities, and the lawlessness described by advocates, residents and officials. "My idea of a nursing home was care for seniors," Thompson said. "This sounds like a drug rehab program or a house of ill-repute."

Tuesday's hearing marked the city's first foray into the issue of how troubled nursing homes affect communities and vulnerable residents. The topic is also being addressed by Gov. Pat Quinn's Nursing Home Safety Task Force, which is scheduled on Thursday to make preliminary recommendations aimed at overhauling Illinois' long-term care system. At Tuesday's City Council committee hearing, Public Health Commissioner Bechara Choucair, appointed in November, said the city needs to throw its political weight behind the task force's reform proposals.

Some of the strongest testimony came from community representatives such as Michelle Fire, owner of the Uptown tavern Big Chicks and the restaurant Tweet. She said her customers have seen their breakfasts interrupted by Somerset residents exposing themselves and urinating on the street. "Sometimes it's like a scene out of 18th century Bedlam with people screaming and waving their arms," Fire said.

While some unsupervised Somerset residents engage in aggressive panhandling and battery, many are victims of their own addictions, and "the gangs come in to sell them drugs," said community-policing beat facilitator Edward Kuske said. "They end up being a market."

Summur Roberts, assistant director of community relations for Loyola University Chicago, said female students are harassed and subject to catcalls when they pass the nearby Wincrest Nursing Center, a 70-bed facility that houses adults with psychiatric and substance abuse problems, including at least 30 felons. Roberts cited drug use and aggressive panhandling by residents, who she suspected were not "getting the care they are supposed to be getting."

In an interview after the hearing, Wincrest administrator Narad Persadsingh said the allegations that facility residents were harassing students and using narcotics were "completely false." He said Loyola

officials were leveling the charges because "they want to buy Wincrest." Still, Persadsingh said he expects tighter regulation of the industry in coming months: "Changes have to come. Everybody has to adapt to survive."

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Troubled nursing home is losing federal money

Violence and abuse at Somerset Place leading to loss of Medicaid, Medicare funding

By Gary Marx and David Jackson, TRIBUNE REPORTERS

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Federal health care authorities on Friday moved to terminate funding to the troubled Somerset Place nursing home in Uptown, saying in court filings that systemic violence, abuse and mistreatment put "the health and safety of ... residents in immediate jeopardy."

Authorities said it has been four years since a similar federal termination order at a Chicago-area nursing home. Only four Illinois nursing homes have been decertified because of problems since 2005. Those facilities were sold or shuttered.

The government actions follow recent Tribune reports on violence and abuse at the facility, as well as repeated citations from the state Department of Public Health and complaints from 48th Ward Ald. Mary Ann Smith and Uptown community groups.

In December, 66 of Somerset's roughly 300 residents were convicted felons, and all had a primary diagnosis of mental illness.

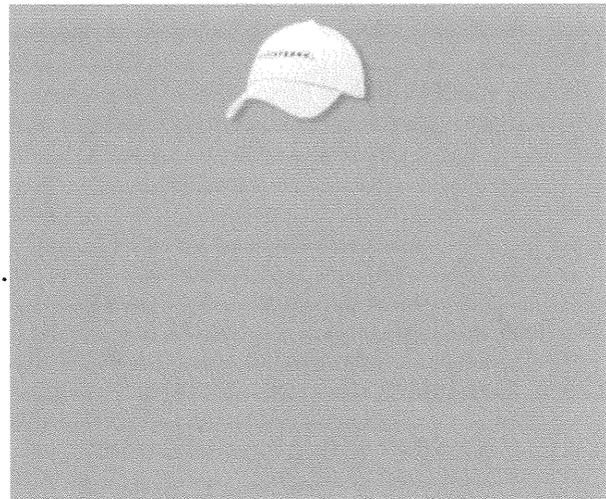
Recent federal inspection reports described a chaotic environment at the century-old converted hotel, saying that poorly supervised residents bit and punched one another, turned over tables and tested positive for drugs.

Two Somerset workers recently told federal inspectors that the facility was understaffed and that caseworkers were poorly trained.

"Once you leave," one told the inspectors, "it's going to go back the same way."

When asked what the administration was doing to improve Somerset, a former program director told the inspectors: "Not a lot. I think that's the biggest issue. There is a sense of futility when the people you report to aren't supporting you."

Somerset officials filed an emergency civil lawsuit to block action by the federal Centers for Medicare & Medicaid Services. But Somerset was denied Friday by U.S. District Judge Robert M. Dow Jr. after an hourlong hearing.



Under federal rules, the facility will continue to receive Medicaid funding for 30 days. It may choose to stay open while trying to re-enter the Medicaid system or while selling to a new owner.

State officials say they have developed a contingency plan to relocate residents quickly.

Eric Rothner, who through companies and family trusts has an ownership stake or consulting role in Somerset and more than a dozen Illinois nursing facilities, declined to comment.

"We are not surprised, but we are disappointed in [the federal government's] decision which potentially could shut down the only home many of our residents know," a facility spokesman said in a statement. "Somerset is more than a residential treatment center, it is a community. We intend to work with [the government] to resolve their concerns so that our residents are not subjected to unnecessary upheaval of their lives."

One of the largest nursing homes in the state, Somerset in 2008 reported profits of roughly \$2.3 million on revenue of \$15.5 million, almost all of it from state and federal health care programs. The facility said in court documents Friday that termination of Medicaid will effectively "force Somerset out of business."

A few residents stood outside the building Friday afternoon. They said Somerset's staff has scheduled a meeting Sunday to discuss the pending federal action.

Six-year Somerset resident Falicia Marine, 25, said she was trying to move out because of the recurring troubles but was nervous about the future: "This is the only nursing home I've been at, and I'm comfortable here."

Resident David Thiese, 38, said recent improvements at Somerset appear to be a "last-minute change to save it."

State officials are working with a list of facilities with bed space in the surrounding area. In the meantime, the state has assigned a monitor to ensure that residents are protected during a potential transition.

Separately, the state public health department last month began the process of revoking the facility's state license. Somerset has requested an administrative hearing to contest that action.

From April 2008 to July 2009, records show, Chicago police investigated 15 alleged assaults or batteries inside Somerset, as well as five reported cases of criminal sexual assault and five reports of narcotics possession.

Tribune articles also chronicled how the harmful behavior of poorly supervised residents spilled outside the nursing home walls, as they engaged in aggressive panhandling, prostitution, drug-dealing and assault.

One Somerset resident, Maratta Walker, who had been prostituting herself and using crack cocaine while living there, was later found killed.

Ald. Smith said she would prefer that Somerset remain a nursing home under different management.

"We want to ensure that the residents have the best chance at healthy lives and healthy recoveries," Smith said.

State Sen. Heather Steans said Illinois must shift public resources away from large institutions such as Somerset and toward community-based supportive housing for people with mental illness.

"Long term, we have to be giving folks real options," she said.

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