

Special Session Commissioners' Court

Public Hearing

Friday, August 21, 2009 9:00 a.m.

Members of the Court Present:

Charles Watson	County Judge
Keith Clark	Commissioner Pct. #1
Jimmy McDaniel	Commissioner Pct. #2
Fayne Warner	Commissioner Pct. #4
Janice McDaniel	County Clerk

Commissioner Dickerson was not present.

Judge Watson called the meeting to order at 9:00 a.m.

Agenda item #1-Request for Comments and Proposals: Additional Medicaid Beds

Judge Watson read a portion of the requirements for Medicaid-certified facilities pertaining to the Commissioners' Court. See attached copy. He asked that individuals wishing to speak keep their comments around three (3) minutes.

Melda Bartholdi gave the Court a brief overview of the proposed plans for a new 90-100 bed facility with an additional 12 room assisted living facility adjacent to the nursing home. She also gave her history in the health care industry.

Michael Smith, proposed contractor to build the facilities, gave the Court information on the layout of the facilities.

B. J. Bergeron, part owner of the Hemphill Care Center nursing home, told the Court why they oppose the new facilities. He also asked that they be allowed to add additional beds or construct a new and larger facility instead of another company coming in.

Wanda Williams said she believes competition is good.

Candy Rouse said she now works for Melda but has worked for Pat Bradberry and thinks the world of her. She said it is not about competition but what is good for the patients. She said we are in the baby boom era and there will continue to be more need. She also said she does not see a staffing problem and continued to explain why.

Louis Nicholson, part owner of the Hemphill Care Center nursing home, said he does not see need for another facility.

David Bartholdi spoke concerning the growth and progress of Sabine County.

Dr. Luther Reed said she thinks it would be far wiser to help the current company that is here already.

No one else wished to speak.

Judge Watson told everyone present that the Court would possibly have a decision by the next regular court date on September 14th. It may take longer.

Commissioner Clark moved to adjourn. Commissioner McDaniel seconded. All voted for. Meeting adjourned.

Charles E. Watson CHARLES WATSON

Keith Clark KEITH CLARK

Jimmy McDaniel JIMMY MCDANIEL

NOT PRESENT DOYLE DICKERSON

Fayne Warner FAYNE WARNER

ATTEST: COUNTY CLERK

Janice McDaniel JANICE MCDANIEL

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#5 "G"

**TEXAS ADMINISTRATIVE CODE
19.2322 REQUIERMENTS FOR MEDICAID-CERTIFIED FACILITIES**

(6) **Rural county waiver.** A rural county waiver is designed to meet the needs of rural areas of the state that do not have reasonable access to quality nursing facility care. For purposes of this waiver, a rural county is one that has a population of 100,000 or less according to the most recent census, and has no more than two Medicaid-certified nursing facilities. DHS will approve no more than 120 additional Medicaid beds per county per year and no more than 500 additional Medicaid beds statewide in a calendar year under this waiver provision. The waivers will be considered on a first-come, first-served basis. Requests received in a year in which the 500-bed limit has been met will be carried over to the next year. The waiver must be requested by the county commissioner's court.

(A) The commissioner's court must notify DHS of its intent to consider a rural county waiver and obtain verification from DHS that the county complies with the definition of rural county.

(B) The commissioner's court must publish a notice in the *Texas Register* and in a newspaper of general circulation in the county. The notice must seek:

(i) comments on whether a new Medicaid nursing facility should be requested; and
(ii) proposals from persons or entities interested in providing additional Medicaid-certified beds in the county, including persons or entities currently operating Medicaid-certified facilities with high occupancy rates. Persons or entities that submit false information will be eliminated from the process.

(C) The commissioner's court must determine whether to proceed with the waiver request after considering all comments and proposals received in response to the notices provided under subparagraph (B) of this paragraph. In determining whether to proceed with the waiver request, the commissioner's court must consider:

(i) the demographic and economic needs of the county;
(ii) the quality of existing Medicaid nursing facilities in the county;
(iii) the quality of the proposals submitted, including a review of the past history of care provided, if any, by the person or entity submitting the proposal; and
(iv) the degree of community support for additional Medicaid nursing facility services.

(D) The commissioner's court must document the comments received, proposals offered and factors considered in subparagraph (C) of this paragraph.

(E) The commissioner's court, if it decides to proceed with the waiver request, must submit a recommendation that DHS issue a waiver to a person or entity who submitted a proposal for new or additional Medicaid beds. The recommendation must include:

(i) the name, address, and telephone number of the person or entity recommended for contracting for the Medicaid beds;
(ii) the location, if the commissioner's court desires to identify one, of the recommended nursing facility;
(iii) the number of beds recommended; and

(iv) the information listed in subparagraph (D) of this paragraph used to make the recommendation.

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SABINE COUNTY

Request for Comments and Proposals: Additional Medicaid Beds

Texas Department of Aging and Disability Services (DADS) rule 40 TAC 19.2322 (h) (6) permits the county commissioners court of a rural county with a population of less than 100,000 and with no more than two Medicaid-Certified nursing facilities to request that DADS contract for additional Medicaid nursing facility beds in that county. This may be done without regard to the occupancy rate of available beds in the county.

The Sabine County Commissioners Court is considering requesting that DADS contract for additional Medicaid nursing facility beds in Sabine County. The Commissioners Court is soliciting public input and comments on whether the request should be made. Further, the Commissioners Court seeks proposals from persons interested in providing additional Medicaid beds in Sabine County to determine if qualified entities are interested in submitting proposals to provide these additional Medicaid beds in Sabine County. Comments and proposals may be submitted to Judge Charles Watson at P.O. Box 716, Hemphill, Texas 75948.

A public hearing to receive comments and proposals will be held in the Sabine County Courthouse, Commissioners Courtroom, 201 Main Street, Hemphill, Texas, on August 21, 2009 at 9:00 a.m. For additional information call (409) 787-3543.

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8-21st-2009 Sign-in Sheet
People who will give comments.

- ✓ 1. Mabel Barthaloni PO Box 1947 Hemphill, TX 75948
- ✓ 2. Michael W Smith 23445 N. Hwy 281, #3, San Antonio TX 78255
- ✓ 3. Louis Nicholson 32211 Path's Landing Magnolia TX 77354
- ✓ 4. BS Bergeron " " "
- ✓ 5. Wanda Williams 301 Wood Oak Circle Heights, TX
- ✓ 6. Candace Rouse 907 Plainview Rd Pinedale TX 75268

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Commissioners Court Of Sabine County
Hemphill, Texas

August 21, 2009

Re: Nursing Home Proposal For Sabine County
By David Bartholdi & Melda Hart Bartholdi

Honorable Judge Watson and Commissioners:

Upon approval of Sabine County's application for a rural county waiver through the Department of Aging and Disability for additional beds, David and Melda Bartholdi proposes to plan, seek funding, build and operate a 90-100 bed nursing home.

It is our desire to build a nursing home facility totaling about 40,000 square feet. We would also build a 12 room assisted living facility adjacent to the nursing home facility. The project cost is estimated at 4 million dollars and would take 12 to 16 months to complete.

We have the necessary and qualified staffing to initiate the initial phases of the project, such as financing and planning. We have the professional staff to assist in the operations of the nursing facility on a day-to-day basis.

If you should need any further information, feel free to contact Melda Hart Bartholdi, at 409-383-3823.


Melda Hart Bartholdi


David Bartholdi

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Revised 10-05-05

PUBLIC PARTICIPATION FORM FOR SABINE COUNTY COMMISSIONERS' COURT

Instructions: Fill out all appropriate blanks. Please print or write legibly. Present to the County Clerk prior to the time that the Agenda Item (or Items) you wish to address are discussed. If you are handing out any material or documents to the Court, please make sure you have one extra for the Clerk to ensure that one is put into the record.

Name: BJ Bergeron
Address: Hwy 83 West P.O. Box 1527
Telephone: Hemphill, TX 75948 281-414-5744
Place of Employment: Hemphill Care Center
Employment Telephone: 409-787-3342

Do you represent any particular group or organization? Yes No

If you represent a group or organization, please state the name, address and telephone number of such group or organization.

Hemphill Care Center
Hwy 83 West
Hemphill, TX 75948

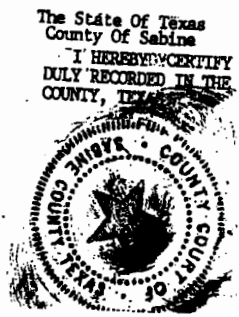
Which agenda item (or items) do you wish to address? Adding new beds for new nursing home.

In general, are you for or against such Agenda Item (or Items)? For Against

[Signature]
Signature

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time the agenda item(s) are discussed.

Please state your name and who/what you represent clearly for the Clerk to accurately record who you are.



The State of Texas
County of Sabine
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONER COURT MINUTES OF SABINE
COUNTY, TEXAS
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JANICE MEDANIE, COUNTY CLERK
BY Brian Cavender
Deputy

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