

August 15, 2003

Diane Mandernach, Commissioner  
ATTN: Larisa Vishkovetsky  
Minnesota Department of Health  
85 East Seventh Place, Suite 400  
P. O. Box 64882  
St. Paul, Minnesota 55164-0882

RE: In the Matter of the Proposed Involuntary Discharge/Transfer  
of E.L. From Northern Itasca Health Care Center (NIHCC);  
OAH Docket No. 7-0900-15464-2

Dear Commissioner Mandernach:

The above-captioned matter came on for evidentiary hearing before the undersigned Administrative Law Judge on July 7, 2003. The hearing was conducted by telephone conference call, connecting the Administrative Law Judge in Minneapolis with the North Regional Ombudsman in Potsford, Minnesota and the Resident and others involved in this matter at the Northern Itasca Health Care Center in Bigfork. The Resident's daughter also participated, from a separate location in Minneapolis.

After hearing evidence in the case for the balance of the morning, the Administrative Law Judge called a break in the proceedings and the parties arrived at a settlement during that time. Pursuant to that Settlement Agreement, I am closing this Office's file and returning the record to you.

The agreement between the Resident, her daughter and the Facility (Northern Itasca Health Care Center) is that the Resident's daughter will pursue an appeal for the Resident's long-term care insurance coverage to pay their part of the Resident's

outstanding arrears by contacting the Resident's physician to send a letter to the insurance company with corroborating information from nurses' notes stating the need for care for the Resident. The daughter, who is the Resident's legal guardian, also agrees to provide the necessary information to the appropriate government agencies to perfect the Resident's application for Medical Assistance. In turn, the Applicant's residence will have a lien placed upon it by NIHCC, pending payment by the long-term care insurance carrier and Medical Assistance. In the event the insurance and Medical Assistance do not cover the bill, the house will be placed on the market and sold to provide payments for the care of the Resident. NIHCC agrees not to discharge the Resident, and all parties agree that the situation will be revisited September 1 if the bill remains in arrears.

The Administrative Law Judge extends his gratitude to all parties involved in this proceeding for their cooperation.

Very truly yours,

/s/ Richard C. Luis

RICHARD C. LUIS  
Administrative Law Judge

Telephone: (612) 349-2542

RCL:mo

cc: E.L. (Resident)  
Cindy Erickson  
Daniel Odgaard  
Darlene Weber  
Diana Longrie-Kline  
Terri Worth  
Becky Lauer