

MINERS' COLFAX MEDICAL CENTER

MEETING OF THE BOARD OF TRUSTEES

Call to Order

The Emergency meeting of the Miners' Colfax Medical Center Board of Trustees was called to order by Chairman, Roy Fernandez, on November 4, 2009 at 12:40 pm. The meeting was held in the Acute Care Facility Conference Room, located at 203 Hospital Dr. in Raton, New Mexico.

Members Present: Roy Fernandez, Chairman
Randy Rubin, Vice Chairman
Jenny Garcia, Secretary Treasurer
Mike Colangelo
Dr. Robert Gordon

Staff Present: Mike Carter, CEO
Albino Martinez, Interim CFO
Margaret Ann Mattorano, LTC Administrator
Henrietta Romero, Recorder

Guests: Jerry Jones
Jo Jones
Janice Jones
Nick Yaksich

Correction/Approval of Agenda

Motion: After review of the November 4, 2009 agenda, Mr. Rubin moved to approve the agenda. With a second from Mr. Colangelo, a voice vote was taken and the Board voted in favor of approving the November 4, 2009 agenda as presented. Motion carried.

New Business

a. Appeal

Mr. Fernandez requested that the Board members review the documents presented to them regarding Mr. Cecil Zeke Jones' request for an appeal to the decision to deny his admission to Miners' Colfax Medical Center Long Term Care Facility.

Presented were:

- September 15, 2009 letter from Mr. Carter, CEO, informing Mr. Jones that he does not meet MCMC's criteria for admission at this time.
- September 20, 2009 letter to the Board of Trustees from Mrs. Jo Jones requesting an appeal to this decision.
- New Mexico Resident Miner Admission to Miners' Colfax Medical Center Long Term Care Facility with Miners' Trust Benefits policy.

Discussion determined that the Board members should also get copies of Mr. Zeke Jones' application file. Copies were made and distributed. Additional documentation presented included:

- Mr. Zeke Cecil Jones' application
- August 18, 2009 letter from the MCMC LTC Admission Committee recommending that Mr. Jones be approved for admission.
- History & Physical Report for Mr. Jones

- Letters of support for Mr. Jones
- Durable Power of Attorney appointing Jo Jones, Janice Jones and Jerry Jones to serve as his attorney in fact.

The Board members were informed that the Admission Committee recommended that Mr. Jones be approved; their recommendation was then forwarded to Mr. Carter. Upon review by Mr. Fernandez, Mr. Colangelo and Mr. Carter a decision was made to deny Mr. Jones' application.

Discussion: Determined that the family members of Mr. Jones will be allowed additional time to appeal. Will also allow an opportunity for questions.

The Board wanted to know how the Admission Committee determined eligibility and were informed, by Ms. Mattorano, that their decision was based on consistent documentation for previous and current residents that have been approved for admission to LTC.

Further discussion determined that the Board needs to concisely define the definition of a miner and incorporate it into the application for admission to LTC.

The Board was informed that the packets presented to them, for the November 10, 2009 Board meeting, include the Attorney General's opinions regarding the definition of a miner along with Danielle Smith's letter, presented to the Board on August 17, 2009, regarding "Definition of "Resident Miner" for admission purpose.

The Board recessed at 1:05 pm.

Reconvened at 2:10 pm

Mr. Jerry Jones, Mrs. Jo Jones, Ms. Janice Jones, and Nick Yaksich were welcomed to the meeting.

A statement from the Jones family was presented to the Board members with a request that all information at this hearing be made a point of record and recorded if so authorized. The Board of Trustees authorized.

Mr. Jerry Jones thanked the Board for the opportunity to appear before them.

Due to the short notice given to the Jones family regarding the Emergency Board of Trustees meeting to review Mr. Zeke Jones' appeal, Mr. Jerry Jones requested additional time to allow them to properly prepare adequate due process.

Mr. Jerry Jones requested that all documents pertaining to Mr. Zeke Jones' case including, but not limited to: Written documentation for their decision and specific reasons for denial. Mr. Fernandez informed the family that the Board is awaiting advice from their attorney as to what can legally be given to the family.

Mr. Fernandez informed the Jones family that the Board was not prepared to make a decision at this meeting. The meeting is to allow the Jones family the opportunity to present any additional documentation and invite any questions they may have for the Board.

Mr. Fernandez informed the family that the Board needs to determine whether Mr. Zeke Jones meets the criteria to prove that he falls under the definition of a miner, or has an injury or illness related to mining.

Mr. Jerry Jones referenced 6.1.2 of the MCMC LTC Admission Policy and informed the Board that he feels that Mr. Zeke Jones does meet this qualification.

Mr. Jerry Jones wanted to know how the Admission Committee voted in regard to his father's being admitted to LTC, and was informed that the Committee voted to approve Mr. Zeke Jones' application. The Board members who reviewed the application voted to deny Mr. Zeke Jones' application.

Executive Session

Pursuant to Section 10-15-1 (H)(2),k for the purpose of discussing limited personnel matters and Section 10-15-1(H)(9) for the purpose of strategic planning of the Open Meetings Act. A motion was made by Mr. Rubin with a second by Ms. Garcia to enter into Executive Session. A roll call vote was taken:

Mr. Fernandez – Yes

Ms. Garcia- Yes

Mr. Rubin- Yes

Mr. Colangelo- Yes

Dr. Gordon – Yes

The Board of Trustees entered into Executive Session at 2:35 pm.

Open Session /Announcements

No announcements.

Adjournment

With no further business to discuss, the November 4, 2009 Board of Trustees Emergency meeting was adjourned at 3:33 pm

Attest

Randy Rubin
Roy Fernandez, Chairman
Randy Rubin, Vice Chairman

11.10.09
Date

Jenny Garcia
Jenny Garcia, Secretary Treasurer

11-10-09
Date