

**MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF UNITED LAGUNA WOODS MUTUAL  
A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION**

**October 16, 2013**

The Special Meeting of the Board of Directors of United Laguna Woods Mutual, a California Non-Profit Mutual Benefit Corporation, was held on Wednesday, October 16, 2013 at 1:00 P.M. at 24351 El Toro Road, Laguna Woods, California.

Directors Present: Pat English, Erna Ferris, Barbara B. Howard, John Beckett, Jan LaBarge, Ming-Lee Chang, Howard Klein, Eva Lydick

Directors Absent: Jack Bassler (Entered in Executive Session at 1:25 PM)

Staff Present: Jerry Storage, Kim Taylor, Pamela Bashline  
Executive Session: Jerry Storage, Kim Taylor, Francis Rangel

Others Present: None

**CALL TO ORDER**

Pat English, President of the Corporation, chaired and opened the meeting, and stated that it was a Special Meeting held pursuant to notice duly given. A quorum was established and the meeting was called to order at 1:00 P.M.

**APPROVAL OF AGENDA**

Without objection, the Board approved the agenda as written.

**UNITED MUTUAL MEMBER COMMENTS AND PUBLIC FORUM**

There were no Member comments.

**UNFINISHED BUSINESS**

The Secretary of the Corporation, Director Beckett, read a proposed resolution approving guidelines and applications for permitted healthcare residents. Director Howard moved to approve the resolution with the proviso that the form be returned to the Board with further changes at a date to be determined. Director Beckett seconded the motion and discussion ensued.

Members Mary Stone (356-C) and Barbara Copley (410-D) commented on the guidelines and applications for permitted healthcare residents.

By a vote of 6-0-1 (Director Ferris abstained), the motion carried and the Board of Directors adopted the following resolution:

**RESOLUTION 01-13-176**

**WHEREAS**, United Laguna Hills Mutual is a senior housing development as defined by Section 51.3 of the Unruh Civil Rights Act, which declares that discrimination in housing is against the public policy on the basis of

race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income; and

**WHEREAS**, California Civil Code §51.3 permits the occupancy of a dwelling unit by a “permitted health care resident” during any period the person is actually providing health care to a “qualifying resident” under the following circumstances:

1. That a person who is 18 years of age or older be hired to provide “live-in, long-term, or terminal health care” to a qualifying resident for compensation; and “for compensation” may include provisions of lodging and food in exchange for care; or
2. A “family member” of the qualifying resident who is 18 years of age or older may serve as a permitted health care provider for “live-in, long-term, or terminal health care”;

**NOW THEREFORE BE IT RESOLVED**, October 16, 2013, that the Board of Directors of this Corporation hereby establishes the following guidelines for an applicant wishing to reside in a unit as a permitted health care provider:

1. The health condition of the permitted resident has been certified by a licensed medical treating physician who is required to safeguard as “privileged and confidential” medical records of patients as determined by the federal Health Insurance Portability and Accountability Act (HIPAA) and under the HIPAA Security Rule which set national standards for protecting patient health information through the Office of Civil Rights, U.S. Department of Health & Human Services; and
2. The total number of persons residing in the unit, including the permitted health care provider shall not exceed the number of persons allowed under the occupancy standards established by the California Department of Fair Employment and Housing and any and all other applicable laws or regulations; and
3. Each health care provider who seeks to reside in a unit must certify to be free from having been convicted of a felony within the last twenty years or a misdemeanor involving moral turpitude within the last five years; and
4. The Mutual Member must assume responsibility for the conduct of the permitted health care provider, and shall ensure that he/she complies with all rules, regulations, and policies of the Mutual and the Golden Rain Foundation; and compliance includes return of identification pass and any vehicle identification upon termination of

residency, for which noncompliance may result in disciplinary action against the Mutual Member to the extent allowed by the governing documents of the Mutual; and

5. Upon approval by the Board of Directors, an identification gate pass shall be issued to the permitted health care resident that will permit gate access into the community but will *limit* use of GRF facilities to the bus system only, while using any other amenity requires accompaniment by the qualifying resident; and

**RESOLVED FURTHER**, that the Board hereby approves the *Application for Permitted Health Care Resident* and the *Physician's Certification of Need for Home Health Care Provider*, as attached to the official minutes of this meeting; and

**RESOLVED FURTHER**, that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out the purposes of this resolution; and

**RESOLVED FURTHER**, that Resolution 01-06-40 adopted by the Board of Directors on May 9, 2006 is hereby superseded and cancelled.

#### **MEETING RECESS**

The Special Open Session Meeting recessed at 1:15 P.M. and reconvened into the Special Executive Session at 1:20 P.M.

#### **Summary of Previous Closed Session Meetings per Civil Code Section §1363.05**

During the Board's attendance at the All Boards All Directors Special Executive Session meeting on October 14, 2013, upcoming Union negotiation matters were discussed.

#### **ADJOURNMENT**

With no further business before the Board of Directors, the Special meeting was adjourned at 1:40 P.M.

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John Beckett, Secretary

**APPLICATION FOR  
PERMITTED HEALTHCARE  
RESIDENT**

**Name of Qualifying Resident (Applicant)**

**Manor Number**

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**California Civil Code §51.3 permits the occupancy of a dwelling unit by a “Permitted Health Care Resident” during any period the person is actually providing substantial health care services, including medical care or assistance in daily living activities, to a “Qualifying Resident” subject to all of the following conditions:**

1. A licensed medical physician must certify that the Qualifying Resident has a need for care, on the accompanying form, titled “Physician’s Certification of Need for In-Home Health Care Provider.”
2. The total number of persons residing in the unit, including the Permitted Health Care Resident, shall not exceed the number of persons allowed under the standards established by the California Department of Fair Employment and Housing, or any other applicable laws or regulations.
3. The Permitted Health Care Resident may be a friend or family member of the Qualifying Resident, or a person hired to provide health care services for compensation for which “compensation” may include provision of lodging and food in exchange for care, and who must be 18 years old or older or an emancipated minor.
4. The Permitted Health Care Resident must provide “live-in, long-term or terminal health care” to the Qualifying Resident.
5. Each Permitted Health Care Resident who seeks to reside in a unit must declare that he or she has not been convicted of a felony within the last twenty years.
6. The Qualifying Resident, and the Mutual Member, are responsible for the conduct of the Permitted Health Care Resident, and shall ensure that the Permitted Health Care Resident obeys all rules, regulations, and policies of the Mutual and the Golden Rain Foundation.
7. Upon approval by the Board of Directors, a renewable, identification gate pass shall be issued to the Permitted Health Care Resident, which will allow access into the community, but will limit use of GRF facilities to the bus system only. The Mutual Member, or the Qualifying Resident, must accompany the Permitted Health Care Resident at all times when the Permitted Health Care Resident uses the GRF recreation facilities as a Guest.
8. Upon termination of the Permitted Health Care Residency, the Permitted Health Care Resident shall surrender his or her gate pass, and any identification or vehicle identification, to the Community Access Office, located at 24351 El Toro Road, Laguna Woods, California.

**Non-compliance with these conditions may result in disciplinary action and/or monetary penalties against the Mutual Member to the extent allowed by the governing documents of the Mutual.**

Page 1 of 3

Name of Qualifying Resident: \_\_\_\_\_  
(Applicant)

Manor: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Cell Phone No. \_\_\_\_\_

Name of Mutual Member: \_\_\_\_\_  
(if different from Qualifying Resident)

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Cell Phone No. \_\_\_\_\_

We have read this application and by signing below we agree to abide by its terms and conditions.

Dated: \_\_\_\_\_  
\_\_\_\_\_ Qualifying Resident

Dated: \_\_\_\_\_  
\_\_\_\_\_ Mutual Member

Name of Permitted Health Care  
Resident: \_\_\_\_\_

Current Address: \_\_\_\_\_

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Page 2 of 3

Telephone No. \_\_\_\_\_

Cell Phone No. \_\_\_\_\_

I declare that I have not been convicted of a felony within the last 20 years.

I agree to obey all of the Laguna Woods Village's rules and regulations, including parking rules and traffic laws.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Permitted Health Care Resident

<b>ACTION BY MUTUAL BOARD OF DIRECTORS</b>	
<b>APPLICATION DENIED</b>	<b>APPLICATION APPROVED</b>
The Board of Directors of this Mutual Corporation has reviewed this application. Based on the information provided, the application is <b>denied</b> .	The Board of Directors of this Mutual Corporation has reviewed this application. Based on the information provided, the application is <b>approved</b> .
SIGNATURE	SIGNATURE
SIGNATURE	SIGNATURE
SIGNATURE	SIGNATURE

## Physician's Certification of Need for Home Health Care Provider

RESIDENT'S/ PATIENT'S NAME (Applicant)

MANOR NUMBER

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**NOTE TO LICENSED MEDICAL PHYSICIAN: The person named above is a resident, or a prospective resident, of an age-restricted community. The information that you provide is used for approval of an application for a live-in health care provider. Please refer to these definitions from CAL. GOV. CODE Sections 12926 and 12926.1:**

(h) "**Medical condition**" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of **cancer**, or a record or history of cancer.

(2) **Genetic characteristics**, including (A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is **known to be a cause** of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) **Inherited characteristics** that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a **statistically increased risk** of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(i) "**Mental disability**" includes, but is not limited to, all of the following:

(1) Having any mental or **psychological disorder or condition**, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability, **that limits a major life activity**. For purposes of this section:

(A) "**Limits**" shall be determined **without regard to mitigating measures**, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) **A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.**

(C) "**Major life activities**" shall be broadly construed and shall include physical, mental, and social activities and working.

"**Mental disability**" also includes:

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that **requires special education or related services**.

(3) Having a record or **history** of a mental or psychological disorder or condition.

(4) Being regarded or treated as having, or having had, any mental condition that **makes achievement of a major life activity difficult**.

(5) Being regarded or treated as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that **may become a mental disability** as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "**Physical disability**" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) **Affects** one or more of the following **body systems**: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) **Limits a major life activity**.

(2) Being regarded or treated as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but **may become a physical disability** as described in paragraph (1).

"Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

If the definition of "disability" used in the Americans with Disabilities Act, or in Cal. Gov. Code Section 12926.1 would result in broader protection of the civil rights of individuals with a mental disability or physical disability, or would include any medical condition not included within those definitions, then that broader protection or coverage shall prevail.

### **CAL. GOV. CODE § 12926.1**

The Legislature finds and declares as follows:

(a) The law of this state in the area of disabilities provides protections independent from those in the federal Americans with Disabilities Act of 1990 (Public Law 101-336). Although the federal



act provides a floor of protection, this state's law has always, even prior to passage of the federal act, afforded additional protections.

(b) The law of this state contains broad definitions of physical disability, mental disability, and medical condition. It is the intent of the Legislature that the definitions of physical disability and mental disability be construed so that applicants and employees are protected from discrimination due to an actual or perceived physical or mental impairment that is disabling, potentially disabling, or perceived as disabling or potentially disabling.

(c) Physical and mental disabilities include, but are not limited to, chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, clinical depression, bipolar disorder, multiple sclerosis, and heart disease. In addition, the Legislature has determined that the definitions of "physical disability" and "mental disability" under the law of this state require a "limitation" upon a major life activity, but do not require, as does the Americans with Disabilities Act of 1990, a "substantial limitation." This distinction is intended to result in broader coverage under the law of this state than under that federal act. Under the law of this state, whether a condition limits a major life activity shall be determined without respect to any mitigating measures, unless the mitigating measure itself limits a major life activity, regardless of federal law under the Americans with Disabilities Act of 1990. Further, under the law of this state, "working" is a major life activity, regardless of whether the actual or perceived working limitation implicates a particular employment or a class or broad range of employments.

The Legislature intends for state law to be independent of the Americans with Disabilities Act of 1990, to require a "limitation" rather than a "substantial limitation" of a major life activity.

Are you the applicant's treating physician?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", please estimate the length of time you've been treating the applicant.

\_\_\_\_\_

Does the applicant have a mental or physical disability, as defined on pages 1-3?

Yes \_\_\_\_\_ No \_\_\_\_\_

Does the applicant need the services of a home health care provider?

Yes \_\_\_\_\_ No \_\_\_\_\_

Is the applicant's need for a home health care provider likely to be permanent?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "no", please estimate the length of time \_\_\_\_\_

TREATING PHYSICIAN'S NAME

\_\_\_\_\_

HEALTH CARE PROVIDER \_\_\_\_\_

ADDRESS \_\_\_\_\_

TEL NO. \_\_\_\_\_ LICENSE NO. \_\_\_\_\_

DATE \_\_\_\_\_

PHYSICIAN'S SIGNATURE \_\_\_\_\_