

DEKALB COUNTY BOARD OF HEALTH
Minutes of Executive Session
March 23, 2004

PERSONS PRESENT: Steve Kuhn, P.A.-C, President; Carl Heinisch, Vice President; Mike Groark, J.D., Secretary; Russell Bishop, Psy.D.; Julia Fullerton; Jean Gastiger, R.N., F.N.P.; Rosemary Lane, M.D.; John Olson, D.D.S.; Debra Schelkopf, D.V.M.; Mary Beth Shear, M.D.; Karen Grush, Public Health Administrator; Karen Hills, Director of Office Support; Jane Lux, Director of Personal Health Services

Mrs. Grush reviewed the history of the lawsuit, Faith Moncivaiz versus DeKalb County, et.al, and the allegations brought against the Health Department. She reported that, in an attempt to settle the suit, the parties agreed to mediation. A mediation session was held March 10, 2004, at the federal court in Rockford, conducted by Ole Pace III of Ward, Murray, Pace & Johnson, P.C.

Mrs. Grush reported that the goal of the American Center for Law and Justice (ACLJ) is to proceed to the Supreme Court with suits and make law. In our situation, three laws were of issue and had not been tested in the courts before:

- Federal Right of Health Care Conscience
Our position is that private individuals cannot bring suit under this law; the position of ACLJ is private individuals can bring suit under this law.
- Tort Immunity
Tort Immunity provides that damages cannot be assessed against public employees.
- Illinois Health Care Right of Conscience Act
This Act provides that damages can be assessed, which law supercedes.

Mrs. Grush reported that it would be very costly to continue the litigation process: consequently, it was a business decision to resolve the suit through the mediation process. She repeated that she steadfastly disagreed with the claims brought against the Health Department by the former employee, Faith Moncivaiz.

Mrs. Grush outlined the settlement agreement.