

## Hannah Elliott

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**From:** Smith, Adam <asmith@schwabe.com>  
**Sent:** Friday, February 16, 2024 3:46 PM  
**To:** John Eisler  
**Cc:** Alex Solterbeck; Will VanVactor; Wilson-McNerney, Julie  
**Subject:** RE: Sunshine Behavioral Health Correspondence [IMAN-PDX.FID4560231]  
**Attachments:** 5 - Ineligibility Criteria.pdf

Attached. Please let me know if you have any further questions.

### Adam Smith

Shareholder

*Pronouns: he, him, his*

D: 541-749-1759

[asmith@schwabe.com](mailto:asmith@schwabe.com)

### SCHWABE, WILLIAMSON & WYATT

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**From:** John Eisler <John.Eisler@crookcountyor.gov>  
**Sent:** Friday, February 16, 2024 12:34 PM  
**To:** Smith, Adam <asmith@schwabe.com>  
**Cc:** Alex Solterbeck <Alex.Solterbeck@crookcountyor.gov>; Will VanVactor <Will.VanVactor@crookcountyor.gov>; Wilson-McNerney, Julie <JWilson-McNerney@schwabe.com>  
**Subject:** RE: Sunshine Behavioral Health Correspondence [IMAN-PDX.FID4560231]

Hi Adam,

Thanks again for sending this. I'm reading the Admissions Criteria pdf, and it mentions "Ineligibility Criteria" at the end of the first paragraph. I believe that's a separate document. Could I ask that you reach out to your client and have them send that as well?

Thanks and have a great weekend.

Best,



### JOHN EISLER

ASSISTANT COUNSEL

Crook County Legal Counsel's Office  
Mailing: 300 NE 3<sup>rd</sup> St., Prineville, OR 97754  
Office: (541) 416-3919 Ext. 279

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**From:** Smith, Adam <[asmith@schwabe.com](mailto:asmith@schwabe.com)>  
**Sent:** Tuesday, February 13, 2024 4:47 PM  
**To:** John Eisler <[John.Eisler@crookcountyor.gov](mailto:John.Eisler@crookcountyor.gov)>  
**Cc:** Alexandria Solterbeck <[Alexandria.Solterbeck@crookcountyor.gov](mailto:Alexandria.Solterbeck@crookcountyor.gov)>; Will VanVactor <[Will.VanVactor@crookcountyor.gov](mailto:Will.VanVactor@crookcountyor.gov)>; Wilson-McNerney, Julie <[JWilson-McNerney@schwabe.com](mailto:JWilson-McNerney@schwabe.com)>  
**Subject:** RE: Sunshine Behavioral Health Correspondence [IMAN-PDX.FID4560231]

John,

Thanks for talking today and confirming that Crook County anticipates responding to our letter by the end of next week. We very much appreciate County staff's coordination and support.

Attached please find two policy documents provided by our clients. Both document outline Sunshine Behavioral Health's admission procedures and criteria. As you can see, Sunshine Behavioral Health only provides services to clients recovering from drug and/or alcohol additions, which is a disability under the ADA and FHAA.

Happy to chat more or to provide additional documentation as needed.

-Adam

**Adam Smith**  
Shareholder  
*Pronouns: he, him, his*  
D: 541-749-1759  
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**From:** John Eisler <[John.Eisler@crookcountyor.gov](mailto:John.Eisler@crookcountyor.gov)>  
**Sent:** Thursday, February 8, 2024 10:51 AM  
**To:** Smith, Adam <[asmith@schwabe.com](mailto:asmith@schwabe.com)>; Will VanVactor <[Will.VanVactor@crookcountyor.gov](mailto:Will.VanVactor@crookcountyor.gov)>  
**Cc:** Alexandria Solterbeck <[Alexandria.Solterbeck@crookcountyor.gov](mailto:Alexandria.Solterbeck@crookcountyor.gov)>  
**Subject:** RE: Sunshine Behavioral Health Correspondence [IMAN-PDX.FID4560231]

Hi Adam,

The County is in receipt of your accommodation request for Sunshine Behavioral Health Group, LLC. I'm shooting to have some kind of response to you by February 23, 2024. I'll reach out before then if I have any questions or updates.

Best,



**JOHN EISLER**  
**ASSISTANT COUNSEL**  
Crook County Legal Counsel's Office  
Mailing: 300 NE 3<sup>rd</sup> St., Prineville, OR 97754  
Office: (541) 416-3919 Ext. 279

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**From:** Smith, Adam <[asmith@schwabe.com](mailto:asmith@schwabe.com)>  
**Sent:** Wednesday, February 7, 2024 2:15 PM  
**To:** Will VanVactor <[Will.VanVactor@crookcountyor.gov](mailto:Will.VanVactor@crookcountyor.gov)>; John Eisler <[John.Eisler@crookcountyor.gov](mailto:John.Eisler@crookcountyor.gov)>  
**Subject:** Sunshine Behavioral Health Correspondence [IMAN-PDX.FID4560231]

Gentlemen,

Attached is the correspondence we discussed during our meeting on January 18, 2024. As we discussed, the letter requests a deviation to the County's process for our upcoming land use application as a reasonable modification / accommodation under the ADA and FHAA.

I assume the matter will be discussed with the County Court during an executive session and that we will then receive an answer to our request soon after that meeting. For our internal scheduling purposes, my client is asking when we can expect to receive that response?

Thanks again for the productive meeting on January 18. I look forward to continuing to work with you both on this project.

-Adam

**Adam Smith**  
Shareholder  
*Pronouns: he, him, his*  
D: 541-749-1759  
[asmith@schwabe.com](mailto:asmith@schwabe.com)

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Section 6 – Admissions	Policy - 5	Est: 8/2014	Rev: 03/2022
Ineligibility Criteria		Approved By: Exec. Leadership Board	

Clients will be considered ineligible for admission to any program if they are considered seriously and persistently mentally disabled, are experiencing a life-threatening medical condition, or lack sufficient verbal skills to be able to benefit from services.

Clients whose histories include the following behaviors or conditions will not be considered appropriate for admission:

- Clients who are currently experiencing a serious or life-threatening medical condition.
  - On medications that, if discontinued, pose a serious threat to health or safety
  - Severe illness
  - Active or Latent Tuberculosis
  - Insulin dependent diabetic without an insulin pump
  - MRSA
- Clients who are actively suicidal or express serious suicidal ideation.
  - Actively suicidal will be defined as having two (2) or more of the following of the following traits:
    - Suicidal Thoughts
    - Suicidal Intent
    - A Suicide Plan
    - A means to commit suicide
  - Clients will be screened for suicidal ideation before admission can occur and assessed for suicidality by a licensed therapist or registered therapist intern after admission.
  - Actively suicidal clients will be referred out to the appropriate level of care.
- Clients who are actively homicidal.
  - Actively homicidal will be defined as having two (2) or more of the following traits:
    - Homicidal Thoughts
    - Homicidal Intent
    - Homicidal Plans
    - A Means to Commit Homicide
    - An Identifiable Target
- Clients whose primary diagnosis does not meet DSM V criteria for substance abuse.
- Clients who are partaking in or expressing self-injurious behavior.
  - Self-injurious behavior is defined as:
    - Self-mutilation including cutting, burning, or other bodily injuries as an attempt at suicide or severe bodily injury
- Clients who pose a danger of injury or threat of injury to other clients or staff.
- Clients who require physical restraint.
- Clients who have a history of sexual offenses involving assault or minors.
- Clients who have a recent history of assault.
- Clients who have a history of arson or fire setting resulting in bodily injury or property damage.
- Clients who are currently pregnant.
- Clients who are not between the ages of 18 and 65.
- Clients who have Organic Brain Syndrome, Intellectual Disability (IQ of 70 and under), Severe Brain Trauma, or violent behavior in association with a Traumatic Brain Injury.



Section 6 – Admissions	Policy - 5	Est: 8/2014	Rev: 03/2022
Ineligibility Criteria		Approved By: Exec. Leadership Board	

- Clients who are currently under the care of a physician for pain management.
- Individuals who require any type of isolation protocol.
- Clients with a Body Mass Index (BMI) reading of 16.0 or less.
- Clients who have been deemed imminently dangerous to themselves or others
  - If a client decompensates beyond the program’s ability to treat, they will be immediately referred to a more appropriate level of care.
- Individuals who are non-ambulatory and unable to take care of their basic needs without staff intervention.

Clients may be considered by a medical provider for admission to program with proper documentation.

Clients whose histories include the following behaviors or conditions must be approved by the Medical Director prior to being considered appropriate for admission:

- Clients who have experienced or are experiencing a serious or life-threatening medical condition.
  - A history of seizures or having a diagnosed seizure disorder
  - Insulin dependent diabetic with insulin pump
  - Pancreatitis
  - Cirrhosis
  - MRSA
- Clients with a BMI reading of 16.1-16.9
- Individuals who are non-ambulatory but can take care of their basic needs without staff intervention.
- Any clients that have a history of a suicide attempt with a highly lethal method.
  - Highly lethal methods include but are not limited to:
    - Hanging
    - Firearm