

**JMHC Files Suit  
To Reverse Decision  
Story on Page 1**

**NCFD uses new  
Jaws - Of - Life  
Page 1**

**B  
Now Underway  
Pictures Throughout**

THE  
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## JMHC brings suit seeking reversal of agency ruling

FRANKFORT — Johnson Mathers Health Care (JMHC), Inc., has filed a petition for review and appeal in Franklin Circuit Court. The suit surrounds the denial of the Nicholas County Nursing Home. Johnson Mathers Health Care, through its court action, requests the following:

The final decision of CHECK disapproving JMHC's Certificate of Need application be set aside and held for naught.

That the court enter judgment directing JMHC's application be approved, or in the alternative, that it be remanded to CHECK, with specific instruction from the court as to how the hearing is to be conducted and the issues resolved therein.

That the court award JMHC its costs expended herein, including reasonable attorney fees, and any and all other relief to which JMHC may otherwise be entitled.

The attorney of record on the court document for Johnson Mathers Health Care is Marie Alagia Cull, of Frankfort, of the firm,

Alagia, Day, Marshall, Mintz, and Chausin. The respondents listed in the civil action were: Jack Waddell and Edward A. Wilson from the Commission for Health Economics Control in Kentucky (CHECK); Frederic J. Cowan, attorney general; Harry J. Coward, secretary for the Cabinet of Human Resources; R. David Lester as representative of Robertson County Health Care, Inc.

The suit asks for a review of the final decision of CHECK denying JMHC's certificate of need and the subsequent Request for Reconsideration.

The court document shows JMHC's claim is based on:

- 1 - JMHC is a non-profit Kentucky corporation providing long term care in Carlisle, Nicholas County, Kentucky;
- 2 - CHECK is an administrative body of the Commonwealth of Kentucky, which is responsible for approving or denying certificate of need applications, and the individual members listed for CHECK are named in

Continued on Page 8



The Carlisle Mercury/Pam Bowles Photo

## One injured in two vehicle accident

James McCarty of Carlisle was taken to Nicholas County Hospital by Nicholas County Ambulance after NCFD rescue workers freed him using the department's new Jaws - of - Life. Lamar Mann, Eddie Earwine and Alan Sparks work to free the injured McCarty. He was injured in a collision with a UPS Truck driven by Darrin Johnson of Maysville. The accident occurred June 27 about 5 p.m. on Lower Jackstown Road.

## Taxpayers won't face additional burdens for school construction programs: Huff says

By Pam Bowles  
of The Carlisle Mercury

CARLISLE — New construction in the Nicholas County School System, won't cap taxpayers' additional money.

Cordell Huff, of the State Board for Elementary and Secondary Education conducted a public on the proposed school facility plan for the Nicholas County School District on Friday, June 28, in the high school gym.

Nicholas County resident Billy Dixon asked where the money was going to come from to pay for the construction?

Huff told the group there would not be a school tax rate increase and the county would not be charged to build the new building or any additional construction.

The money will come from state building money, local capital outlay funding for construction, and the 5 percent tax fund, Huff said.

The money is allocated to school districts upon priority of need.

Huff presented the recommendations for school facilities:

- A) Plan of school organization, the Nicholas County School District should move toward a K-5-3-4 plan of school organization
- B) School Centers

1. Secondary: Nicholas County High (9-12) to become a permanent 6-8 center.

2. Elementary: Nicholas County Elementary (K-8) to become a permanent K-5 center.

C) Priorities for Capital

Construction Expenditures:

- 1) Construct four classrooms for preschool and three-four year old handicapped. Construct new high school on acreage presently owned by board (Capacity 400). Renovate current high school to house 6-8 middle school program (Capacity 400) or build new middle school, and renovate elementary school including enclosing of open classroom spaces and electrical and mechanical alterations necessary to accommodate enclosed rooms.

Within existing building provide fireproof record storage area, a site based council office/conference room and a family resource area.

- 2) Construct or acquire a central office facility and Construct or acquire a central

storage facility.

- D) The following projects should be carried out without priority as funds become available: Construct outdoor athletic facilities as needed.

"We are one of six school districts never to have participated in the state's commission money," Nicholas County Superintendent Corbett Gilbert said.

Huff said, if Nicholas County does not apply for this money another school district will get the funds. The money has been appropriated as this school might as well have it as any other school district.

Since the implementation of House Bill 940 schools must meet certain qualifications to operate effectively, Gilbert said.

"We do not have any more

Continued on Page 3

## Board approves plan

By Pam Bowles  
of The Carlisle Mercury

CARLISLE — Nicholas County School Board approved the Facility Survey Plan as presented at a public hearing on June 28, 1991.

The board authorized the superintendent to make application for the extended school services for the 1991-92 school year.

1. Summer school and extended school days will be offered for grades 1-8 in reading and language arts and high school English. Also, math classes will be offered for the elementary and high school after the school day.

The board acknowledged the receipt of the required notification from the superintendent regarding his employment of the following certified personnel: Michele Givins, kindergarten; Teri Lynn Hillton, elementary music; and Charles Canupp, Family Resource and Youth Service Center and classified personnel Marshall Livingston as aide for the Family Resource and Youth Service Center.

The board acknowledged the receipt of the required notification from the superintendent regarding his placement of the following Nicholas

Continued on Page 3



The Carlisle Mercury/Hank Bond Photo

## Koury named Blackberry Queen

Lt. Governor Breton Jones stands with Anna Koury, who was chosen Blackberry Queen Monday night, following the festival's annual parade. Koury is the daughter of Mr. and Mrs. Ignatius Koury. In the fall, the 1991 NCHS graduate, will attend the University of Kentucky.