

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
GOD'S INTERCESSORY	§	TARRANT COUNTY, TEXAS
PRAYER WARRIORS	§	
MINISTRIES, INC.,	§	
d/b/a OASIS VILLAGE, and	§	
BERTHA McCOY, Individually,	§	
<i>Defendants</i>	§	<u>17<sup>th</sup></u> JUDICIAL DISTRICT

**AGREED TEMPORARY INJUNCTION ORDER**

CAME ON TO BE CONSIDERED on the 23<sup>rd</sup> day of January, 2008, the Plaintiff's application for Temporary Injunction in the above entitled and numbered cause. Plaintiff, the State of Texas, appeared through its attorney of record, the Attorney General of Texas by his assistant. Defendants appeared by and through their attorney of record, Bobbie Edmonds,. A record was made by the assigned Court Reporter.

The parties announced ready and the Court proceeded to hear the argument of the parties, the testimony of the witnesses, and admitted and received exhibits into evidence. Whereupon the parties announced that an agreement had been reached, announced the terms thereof, stipulated to same and have submitted this Order requesting approval and entry by the Court.

**FINDINGS**

The Court having considered the evidence and the stipulations and the agreement of the parties, finds that it has jurisdiction over the parties and the subject matter of the suit under Chapter

247 of the Texas Health and Safety Code. The Court finds, as stipulated and agreed, that pursuant to § 247.043 of the Texas Health and Safety Code, Defendants GOD’S INTERCESSORY PRAYER WARRIORS MINISTRIES, d/b/a OASIS VILLAGE, and BERTHA MCCOY, Individually, should be enjoined from operating the assisted living facility known as Oasis Village or any other assisted living facility in the State of Texas. The Court further finds that by agreeing to the entry of this Agreed Temporary Injunction Order, Defendants do not admit to any wrong doing as may be alleged by Plaintiff. Further, nothing in the terms of injunction herein following, shall prevent Defendants from owning and operating a room and board facility which is not either an unlicensed or licensed assisted living facility and in which Defendants do not provide any personal care services to or for the residents, nor shall it prevent any residents of such a room and board facility from independently selecting and obtaining appropriate or necessary personal care services from a licensed home health and community support services agency or entity. The Court further finds that Defendants waive issuance of and service of a Writ of Temporary Injunction and acknowledge receipt and notice of and agree to be bound by the terms of this Order.

### **DEFINITIONS**

In this Temporary Injunction, the following words or phrases mean:

- a. **“Assisted Living Facility”** means an establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services;
- b. **“Personal Care Services”** means:

(i) assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;

(ii) the administration of medication or the assistance with or supervision of medication; or

(iii) general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person;

c. **"DADS"** means the Texas Department of Aging and Disability Services, formerly known as the Texas Department of Human Services, and its successors.

d. **"Home Health and Community Support Services Agency"** means a person or entity who provides home health, hospice, nursing, or personal care services or assistance for pay or other consideration in a clients' residence, an independent living environment (including a room and board facility), or another appropriate location.

### **INJUNCTION AND TERMS**

IT IS THEREFORE ORDERED that Defendants GOD'S INTERCESSORY PRAYER WARRIORS MINISTRIES, d/b/a OASIS VILLAGE, BERTHA MCCOY, Individually, and the Defendants' officers, agents, servants, employees, and attorneys, and any and all other persons in active concert or participation with the Defendants who receive actual notice of the order, are temporarily enjoined, during the pendency of this suit or until further order of this Court, from:

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**Temporary Injunction Order & Order Setting Trial**

*State of Texas v. God's Intercessory Prayer Warriors Ministries d/b/a Oasis Village, and Bertha McCoy, Individually*

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A. Interfering with or denying State of Texas Department of Aging & Disability Services (DADS) agents or other agents of the State access to the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, if operating as an assisted living facility, or any other assisted living facility within the State of Texas owned or operated by Defendants, for the purpose of conducting an investigation or taking other appropriate action pursuant to Chapter 247 of the Texas Health & Safety Code.

B. Removing any residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, if operating as an assisted living facility, without the authorization and direct supervision of DADS or other agents of the State.

C. Operating the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

D. Admitting residents to the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, as an assisted living facility.

E. Operating, owning or controlling, in whole or part, any assisted living facility within the State of Texas.

F. Admitting residents requiring personal care services to any unlicensed assisted living facility within the State of Texas.

G. Preventing or hindering DADS agents or any other agent of the State from effectuating an orderly transfer of the residents from the facility, OASIS VILLAGE, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, if operating as an assisted living facility, to

other facilities, or their families if relocation is required;

H. Preventing or hindering a licensed home health and community support services agency or entity from providing services to any resident of Defendant's facility;

I. If operating as an assisted living facility, failing to treat residents with respect, consideration, and recognition of the dignity and individuality, to ensure residents are free from abuse in violation of the statutory "Residents Bill of Rights";

J. If operating as an assisted living facility, failing to care for residents on a temporary and emergency basis while DADS agents may supervise and effectuate the transfer of the residents to other facilities;

K. If operating as an assisted living facility, failing to follow any instructions given by DADS agents to Defendant and her agents in order to temporarily care for residents while DADS agents supervise and effectuate the transfer of the residents to other facilities;

L. Withholding from residents, or their representatives, any property or records to which the residents are entitled; and

M. Failing to preserve and protect, spoliating, concealing, or removing from the jurisdiction of this Court any assisted living facility records, including but not limited to all resident records, personal service records, employee records, incident reports, financial records, and any and all other records required by governmental authority to be maintained, wherever situated, in possession of, or under the control of, by agents, representatives or otherwise, or claimed by Defendants, insofar as such records relate to, arise out of or are derived from the business operation

of the Defendants facility, OASIS VILLAGE, as an assisted living facility, located at 2740 Avenue K, Fort Worth, Tarrant County, Texas, 76105, from January 1, 2007 through the effective date of this Order.

IT IS FURTHER ORDERED that the Clerk of this Court shall forthwith issue a Writ of Temporary Injunction, upon request of Plaintiff as it may deem appropriate or necessary.

IT IS FURTHER ORDERED that this Order shall be effective immediately without the execution and filing of a bond, as the State is exempt from such bond under TEX. CIV. PRAC. & REM. CODE § 6.001.

**The State's petition for permanent injunction and civil penalties is hereby set for the trial before this Court on 16<sup>th</sup> day of June, 2008 at 9:00, in the Tarrant County Justice Center located at 401 West Belknap, Fort Worth, Texas 76196.**

SIGNED this 25 day of Jan., 2008.



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JUDGE PRESIDING

**APPROVED and AGREED as to FORM and SUBSTANCE and ENTRY REQUESTED.**



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Individually

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