

## **Indiana nursing home developer seeks to skirt Wisconsin's nursing home limits**

By Kathleen Gallagher of the Journal Sentinel  
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An Indiana nursing home company that was tied to a [legislative ethics scandal in that state](#) last year says it wants to build more than two dozen facilities in Wisconsin, a proposal that would require it to bypass a decades-old cap on nursing home beds here.

Critics worry that an amendment accommodating the proposal could be slipped into Wisconsin's budget bill on Thursday, which would allow it to avoid the public scrutiny given to ordinary legislation.

At issue: whether [Mainstreet Investment Co.](#) should be permitted to spend \$442 million building 26 facilities in Wisconsin for people seeking short stays for rehabilitation and therapy. The facilities are necessary because consumer demand is not being met in Wisconsin, a company spokeswoman said in an email.

Mainstreet has developed 20 facilities, in Indiana, Illinois and Colorado, the spokeswoman said. It has another 12 under construction in Indiana, Colorado, Kansas and Texas. A [high-end facility Mainstreet recently opened in Carmel, Ind.](#), boasts a large therapy gym, an outdoor rehabilitation courtyard, a movie theater, a game room, a spa, and an on-site chef, according to the company's website.

[Zeke Turner](#), Mainstreet's founder and chief executive officer, is the son of Eric Turner, who resigned from the Indiana House of Representatives amid last year's ethics controversy.

Then-Rep. Eric Turner, who owns part of Mainstreet, had successfully killed a proposed moratorium on nursing home construction — which would have hurt the company's business — during a private caucus meeting in the final hours of a legislative session, [according to the Indianapolis Star](#) and other media.

A House ethics panel cleared Turner of technical wrongdoing, but said he failed to uphold the "highest spirit of transparency," the Star reported. Turner later [resigned from the legislature](#).

"The Turners' flagrant use of the position and access inside the process really embarrassed the House of Representatives," said Julia Vaughn, policy director at [Common Cause Indiana](#), a government watchdog.

Mainstreet said in an emailed statement Wednesday that Eric Turner "retired from the Indiana General Assembly" following a 25-year career and "chose to pursue opportunities with a Christian ministry."

[Wisconsin statutes](#) have capped the number of nursing home beds in the state since 1981. The cap, plus a fee charged for each licensed bed, [reduced the number](#) of licensed beds in skilled nursing facilities by 16% between 2003 and 2013.

Mainstreet is proposing to build what it calls "transitional care" facilities that would not be covered by the state cap.

The proposal "seemingly provides a special exemption to an Indiana-based real estate developer to lift Wisconsin's long-standing nursing home bed cap at the 11th hour of the budget process," said Tom Moore, executive director of the [Wisconsin Health Care Association](#), in an email.

Moore's association and [LeadingAge Wisconsin](#), which represent facilities in the state, have been fighting Mainstreet's lobbying efforts with some of their own.

They say Mainstreet wants to cherry-pick wealthier, private-paying residents and will ignore poor residents. About 6,670 nursing home beds — nearly 20% of the state's capacity — are currently unoccupied, said John Sauer, LeadingAge's president and chief executive officer.

The provision would limit the average stay in Mainstreet's properties to 28 days or less, said David Stordy, the company's chief operating officer, in an email. But the state's existing nursing homes already provide such services, Sauer said.

A spokesman for Sen. Alberta Darling (R-River Hills), co-chair of the Joint Finance Committee, said late Wednesday afternoon that her office had not seen a motion related to Mainstreet's proposal. The office of Rep. John Nygren (R-Marinette), the committee's other co-chair, did not return a reporter's phone call.

If a new provision is added to the budget by the Joint Finance Committee, it won't receive the public hearing given to ordinary legislation, which provides stakeholders with a forum to voice their support, criticism and suggestions. Once an item is added to the budget bill, it also becomes more difficult to defeat since it takes an amendment on the floor of either the Senate or the Assembly.

*Jason Stein of the Journal Sentinel staff contributed to this report.*