

Illinois Department on Aging
Fatality Review Team Advisory Council Meeting
August 23, 2016

Members Present by Telephone:

Chair Diane Michalak (Area 02), Co-Chair Teva Shirley (Area 08), Brenda Fleming (Area 06), Amy Brown (Area 05), Loren Carrera (Area 02), Nancy Thorsen (Area 07), Jon Hofacker (Area 13) (Substituting for Diane Slezak), Linda Voirin (Area 2)

Members Absent:

Joyce DeRenzy (Area 04), Mark Thomas (Area 03), Nancy Hinton (Area 09), Donna Schnell (Area 10), Michelle Courier (Area 01)

IDoA:

Lois Moorman, Alice Hayes, Claudia Kemple, Maureen Squires, Holly Zielke, Steve Milburn, Troy Yancy, Jamie Spears, Jody Kershaw, Alexander Burke, Mike Berkes

Guests:

Amy Renwick, Deputy Kane County Coroner

The meeting called to order at 1:05 p.m. Nancy approved and Amy seconded.

Motion was made to approve minutes from May 24, 2016; minutes were approved first by Teva and seconded by Linda.

Updates

Holly told the Council that she is transitioning the Council's Department liaison duties to Maureen Squires, who will now be the point-person for the meetings.

In reference to May minutes, Diane stated that legislation that she wrote remained stalled:

Senate Bill 3180 would allow a person who commits financial exploitation of an elderly person or person with a disability be tried in any one county in which any part of the offense occurred or where the victim or one of the victims reside.

Senate Bill 2879 would amend the Adult Protective Services Act and provide that pending an investigation, if the financial institution reasonably believes that financial exploitation on an eligible adult occurred or is being attempted, the financial institution may, but is not required to, refuse a transaction. It also requires a financial institution to report the incident to APS, law enforcement, and other specified persons.

FRTs

Alice noted that an FRT organizational meeting would be taken place later in the week in Area 11.

Claudia noted that Areas 09 and 10 have teams and have had meetings but are still working on recruiting for Area 09.

FRT Manual

Maureen told the Council that the FRT Manual and 2016 Annual Report are completed, but are being circulated within the Department. After General Counsel and Director Bohnhoff approve the documents, they will be distributed and will also be posted on the APS intranet site.

FRT Data System

Lois asked the Council to provide input on the Department's FRT Data System, specifically about data entry. It is important to learn if any modifications are necessary.

Rules

Steve said the General Counsel's Office is still reviewing Administrative Rules with regard to FRTs.

Legislation

Alex provided a status report on bills:

SB 2929 Public Act 99-0857

SB 2929 will require Care Coordination Units (CCU), hospitals, and nursing homes to perform the Pre-Admission Screening (PAS) process as it was executed prior to a 2014 law change. This will require CCUs to provide required assessment documentation directly to a nursing home prior to a patient's discharge rather than providing it to a hospital discharge planner to send to a nursing home.

If a CCU is unable to complete a PAS prior to a patient's discharge, they are to report the incident to the Illinois Department on Aging (IDoA). IDoA and HFS will also be required to promulgate rules to address these incidents. As written, all involved parties will still be required to follow state and federal laws and regulations regarding the PAS assessment process. This includes the requirement that a hospital provide notification to the CCU 24 hours prior to a patient's discharge and that the CCU perform the PAS prior to a patient leaving the hospital.

HB 4552 Public Act 99-0547

This is a Department on Aging initiative that comes from Adult Protective Services (APS). This bill adds the State's Attorney Office to entities which are entitled to request Adult Protective Services records, which will enable APS to better serve its vulnerable population by expediting investigations of abuse, neglect and financial exploitation.

HB 4826 Public Act 99-0530

This Department on Aging initiative comes from members of the Adult Protective Services' (APS) fatality review teams. Currently, some Planning and Services Area's (PSA) fatality review teams have an insufficient caseload of suspicious deaths to justify six meetings per year. In order to maintain strong engagement from volunteer review team members, it is important that each meeting be as productive as possible. HB 4826 reduces the minimum number of annual meetings from six to four. They may still meet more frequently when determined necessary by the review team. Effective Jan. 1, 2017.

HB 5009 Public Act 99-0712

Currently, the Long-Term Care Ombudsman Program (LTCOP) serves residents of Institutes for Mental Diseases. As these facilities become Specialized Mental Health Rehabilitation Facilities (SMHRF), the LTCOP should continue to serve those residents. HB 5009 extends the LTCOP's jurisdiction to include those residing in SMHRFs. This bill also adds a 3 year limit on provisional licenses for Specialized Mental Health Rehabilitation Facilities (SMHRF).

HB 5603 Public Act 99-0784

HB 5603 makes necessary changes to improve Public Act 99-430, the Electronic Monitoring in Long-Term Care Facilities Act. This bill adds references to facilities licensed under the MC/DD Act. It also requires the nursing home facility to shut off recording if a new roommate does not consent to recording

(changes MAY to SHALL). The Department of Public Health's electronic monitoring assistance fund will be subject to appropriation. It includes a provision prohibiting intentional discrimination and retaliation against a resident for consenting to electronic monitoring. It also includes necessary references in other statutes, corrected an erroneous Life Safety Code reference (2012 instead of 2000), and states that provisions in the bill shall not be delayed due to rulemaking.

HB 5805 Public Act 99-0820

As described in 720 ILCS 5/17-56, all financial exploitation crimes against the elderly or those with disabilities are felony offenses. The previous statute of limitation for these cases, 720 ILCS 5/3-5(b), only allows prosecution to be held after three years. This bill allows prosecution within seven years of the last act committed for the crimes described in the Act. These include financial exploitation of an elderly person or person with a disability. By adding 4 years to the statute of limitation for cases of financial exploitation, victims who may not have known they had been exploited will have more time to pursue justice.

HB 5924 Public Act 99-0821

Under this bill, guardians of a ward shall make reasonable attempts to contact the ward's adult children, if they have requested notification, in the event that the ward is admitted to a hospital, hospice, passes away, and of their funeral arrangements. The court may also order the guardian to allow visitation between a ward and their adult children if it is substantiated that the children were unreasonably prevented from doing so. The Public Guardian and the Office of State Guardian are excluded from the new requirements of this bill.

Nancy made the comment that SB 2929 includes "unrealistic" timeframes.

Holly stated that she is thankful that HB 4552 adds the State's Attorney Office to entities entitled to request APS records.

Alex said the Department is collecting initiatives for the next Fiscal Year.

Claudia said PSAs are forming Regional Teams, which are a combination of several agencies, and have agreed that Champaign will be the regular meeting place due to its central location.

Amy asked if she could be added on to the Regional Team. Department staff said they would research this and let her know.

Motion was approved at 1:46 p.m. to enter Closed Session to discuss a case. The motion was approved by Nancy and seconded by Loren. The open meeting was then closed to enter Closed Session.

The motion to close Executive Session was approved by Yvonne and seconded by Loren. The Executive Session adjourned at 2:24 p.m.

The regular meeting was then adjourned. The next meeting will be held from 1:00-2:30 p.m., November 22, 2016.