

## LTCC Minutes 9-21-21

- Call to Order – Director Basta-Chair
- Attendees
  - Barry Lowry, LaRhonda Williams, Melinda McDonald, Josh, Terri Simpson, Phil Miller, Teresa Parks, Kelly Richards, Sharon McLemen, Amy Lulich, Bruce Carmona, Dimitra, Lee Moriarty, Chuck Miller, Jim Shovlin, Barbara Gold, Marsha Johnson, Janene Brickey, Betty Stewart, Katherine Ostrowski, Iris Schweier, Stephen Maxwell, Paula Basta, Steve Anderson, Mark McCurdy, Selma D’Souza, Lori Hendren, Casey Painter, Lora McCurdy, Ali Johnson, Carrie Lejedal, Elaina Finnie, Jen Glackin, Theresa Kuhlmann, Rahnee Patrick, Shelia Baker, Sue DeBoer, Candice Mitchell, Angie Baker, Ali Johnson, Veronica Riley, Gwen Diehl, Stacey Aschemann
- No quorum
- Guardianship Probate Act Changes– Barry Lowry, Director Office of State Guardian
  - Adopted own definition of developmental and intellectual disabilities
    - Will affect APS agencies
  - Psychologist will need to create a psychological report, use to be a physician
    - If do not have report, not likely judge will grant guardianship
    - Brings IL in-line with a lot of other states that take this approach
  - When file temporary you must file plenary as well
    - Proposed guardian should get 3 days advanced notice
      - Judge can wave if necessary
  - Allow for appointment of co-guardians
    - If can’t agree, one co-guardian must file to break co-guardianship
    - Both can act independently
  - OSG, Public Guardian, Equip for Equality, or any state appointed agency are not liable for court costs
  - Substituted Judgement
    - Use this method before Best Interest
    - Take ward’s wishes and substitute for your own
    - Guardian follow current wishes until wards lose ability to make own decisions
      - That is decided by treatment team (physician, psychologist, etc.)
  - Sue DeBoer – great steps for APS to clear up the muddy water
  - Veronica Riley – facilities are attempting to use third-party guardianship to retaliate against family members of residents who stand up for the resident’s rights, we should have a round table in the future to address concerns
    - Barry Lowry – OSG & APS do not make the decision to put in these guardianships, they are all court ordered
    - Any person has the right to petition and contest guardianship
- Lee Moriarty shared in chat:
  - Resident and Family Support Council

This is a recurring meeting that meets every other Tuesday at 3:00  
Visit DOAs website / Ombudsman /Resident and Family Support Council page for past and upcoming topics.Join Zoom Meeting  
<https://us02web.zoom.us/j/82772931777?pwd=eXhpZFpndXZ6V2ErY3ovRUZYRldSUT09>
- Supportive Decision Maker Act Changes– Teresa Parks, Deputy Director Illinois Guardianship and Advocacy Commission

- Public Act 102-0614
  - Signed into law on 8-27-21
  - Effective date is 6 months
  - Applies to adults with Intellectual and Developmental Disabilities
    - Adult with ID/DD identifies a trusted supporter
    - The 2 agree into a SDM Agreement
    - Sign in front of 2 witnesses
    - Agreement and releases are presented to service providers when needed
  - Supporter helps obtain services and decisions, communicate decisions
  - Supported Decision Making is just that, SUPPORTIVE
  - GAC has resources and information on their website
- Barry Lowry – if person loses ability to make decisions for themselves, the SDM is no longer affective
  - Would need to file for guardianship or POA in this scenario in order to make decisions for that individual
- Paula Basta – Would you please provide a link for any trainings you are planning on this topic?
  - Yes, and will share draft trainings as well for feedback
- Carrie Leljedal – I make the medical decisions with my son for his care. Is there any benefit in this situation for me to make a SDM Agreement?
  - Would be another resources when contacting and setting up services
- Virtual Visitations SB2137 – Lori Hendren and Steven Anderson AARP
  - Shared in chat: <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=102-0640>
  - Wanted to craft a measure that would protect residents from social isolation due to pandemic
  - Right to set up virtual visitation schedule
  - Does NOT impede one's rights to in-person visitation
  - Facilities will adopt and enact these procedures to combat social isolation
  - Funding to become available in 2022
    - Will provide training to facility staff
  - IDPH can site penalties for not following starting 2023
  - Took into account the physical barriers of rural communities
  - 2 out of the 3 major nursing home associations endorse
  - If resident has their own communication equipment, they are allowed to use at their own discretion as often as they would like
  - Huge backing of the bill in the senate
  - AARP focusing on spreading information and awareness about the bill
  - Question on enforcement from Lora McCurdy: could visitation plan be added to person-centered care rule?
    - Lori will touch base with Lora on that
    - Steve doesn't see any reason it can't be
  - Mark McCurdy ARPA Funds to Nursing Homes
    - 3 separate monthly payments
    - Put together a methodology to distribution to different providers
      - Based on number of hours of staffing for 4<sup>th</sup> quarter of 2020
    - Slow process, just starting to distribute
      - Wasn't considered emergency funding

- Had to wait for agreements and budget templates to be return
    - Detailed what types of activities the funding should be spent on
      - General pandemic / staffing-related funding issues
  - Kelly Richards shared in chat:
    - <https://www2.illinois.gov/hfs/MedicalProviders/notices/Pages/prn210831b.aspx>
  - Bruce Carmona Shared in chat: The idea of having another way to communicate with family from a locked down nursing facility. I would like to know more about enforcement. Many nursing facilities are short staffed, if they can't even do there regular work, how are they going to have someone sit with a resident and do a virtual visit?
    - Steve Anderson – same way they do now, unsupervised, just have to set up then leave the room, OR department will take into account the issues facilities are facing at the time (i.e. life threatening issues, short staffing, etc)
- Legislative Updates – Katherine Ostrowski, Legislative Liaison
  - Originally planned to talk about what LTC bills passed but have already been discussed
  - Stuff we are trying to pass for LTC in future
    - Proposal to update nursing home care act to align with federal regs to protect against IVD's
    - Clean up language in regards to the Consumer Choice Website
    - Align with federal regs when it comes with Ombudsman access to records with resident permission
- State Plan Update – Amy Lulich, Senior Policy Advisor
  - 2022 – 2024 State Plan was approved on 9-13-21
  - Shared link in chat: <https://www2.illinois.gov/aging/Pages/stateplanonaging.aspx>
  - Will come to future meetings to keep everyone up-to-date on changes or progress
- STLCOP Updates – Kelly Richards, SLTCO
  - Annual Statewide Initiative – Increase Awareness of Program & Services
  - Meeting with legislators to introduce our program and information to them
  - Next RFSC is next Tuesday at 3 pm.
    - Over 100 attendees last meeting
  - Town Hall
    - Resident Rights month is in October
    - Office planning on doing a virtual town hall
  - Kelly testified last week in regards to nursing home reform
  - Paula would like members of this council to invite new members and help grow this council
    - Searching for new co-chair
    - Want to make sure this council is a very robust and maximize help for residents
- Update from State Agency Representatives
  - IDPH – Shelia Baker
    - Emergency rule for COVID
      - Went into effect for 9-17-21
      - Employees to provide weekly testing or vaccination
      - Begin surveying for this next week
  - ISP – Philip Miller
    - No urgent updates but enjoyed information shared
  - HFS – Janene Brickey
    - ARPA Funding biggest thing going on right now
      - Mark McCurdy discussed earlier

- DHS offices are trying to streamline their processes
- Rahnee Patrick
  - (cut out on my webex)
- SOS – Josh Potts
  - No updates
- Veterans’ Affairs – Gwen Diehl
  - No updates
- Comments
  - Veronica Riley discussed pre-admission screenings and their importance
    - Would like to have a discussion with someone about these issues
    - Kelly Richards will reach out
- Adjournment