

**Minutes of the Meeting of  
The Illinois Long-Term Care Council  
January 20, 2015  
(Via conference call)**

**Voting Members on Phone:** Ann Ford, Ashley Snavely for Bill Bell, Steve Iden, Phyllis Mitzen, Margaret Niederer, Tami Wacker, Director John Holton, Dr. Carolyn Peck, Sally Petrone, Dave Vinkler, and Pam Neibuhr.

**Voting Members Absent:** Jamie Freschi, Myrtle Klauer, John Hosteny, Marsha Johnson, John England, Wayne Smallwood, and Greg Wilson.

**State Agency Representatives on Phone:** Janene Brickey (DHFS), Blanca Farris for Debra Bryars (IDPH), Todd Trautvetter (ISP), Doree Vetter (DVA), and Kitty Watson (State Treasurer's Office).

**Guests and Others on Phone:** Jessica O'Leary (Attorney General's Office), Brenda Acoff (Land of Lincoln Ombudsman Program), Neyna Johnson (DSLTCO), Dennis Miner (IDoA), Lyle VanDeventer (IDoA), and Erin Davis (IDoA).

**Recorder:** Kathy Seketa. Kathy announced that the meeting will be recorded.

**Welcome & Introductions**

Introductions were made. Director Holton welcomed everyone to the meeting. No quorum present.

**IDoA Staff Changes**

The Director stated that there have been changes at the Department on Aging (Department) since the last meeting. As of January 31, 2015 nine staff members were terminated. They are:

Mary Killough, Deputy Director

Carole Schwartz, Senior Policy Advisor

Sara Han, Assistant to Deputy Director

Lisa Zuurbier, Division Manager of Community Relations & Outreach

Lance Kovacs, Deputy Division Manager of Community Relations & Outreach

Joseph Mason, Division Manager of Home & Community Services

Nyle Robinson, Deputy Division Manager of Home & Community Services

Sandra Alexander, Division Manager of Planning, Research & Development

Deb Shipley, Chief of Staff, Operations, was to be terminated, but retired 12/31/2014.

The Director stated that he is in Acting or Interim Director status, and Sonia Bhagwakar is in Acting General Counsel status, until someone is designated.

Tami asked about Sonia's acting status. The Director stated Jason Barkley was tapped to be Rauners' General Counsel and it is not known yet if he will select/approve the state agency General Counsel.

Director Holton said he is still working to establish an Office of State Ombudsman as a separate entity under the Governor's office. He believes this will make the role of the Ombudsman stronger. Director Holton said he is meeting with policy people on Rauner's staff this week. He will be looking to see if creating the Ombudsman program as a separate entity will require a statutory change or not. If it comes to the need for legislative changes, he will be looking to Council members to speak at the hearings to support this change. The Director stated that he will keep the Department accountable to its expectations to the Council. Anyone is welcome to reach out to him via email or by phone if they have any concerns and there is no reason why anyone on the Council should limit their partnership to just the meetings.

Margaret Niederer thanked the Director for his comments and stated she is encouraged by his attitude and that she felt it is imperative the council give the best information possible to legislators and the public.

Tami Wacker asked who Sally Petrone reports to now that Joseph Mason is no longer at the Department, Director Holton said she reports directly to him.

Tami asked the Director how the current funding will be affected with the latest Executive Orders issued by Governor Rauner. The Director stated that Governor's Office of Management (GOMB) is reviewing new contracts before they can be executed. Illinois has a very red budget and new bills are coming forward. Governor Rauner is looking for immediate changes that can be made which would reduce the deficit. Contracts not GRF reliant will be allowed to continue through FY15. The Director said he is just starting to talk with the Governor's staff. He will to give them information to show the priority of the Ombudsman program.

One of Director Holton's main concerns is the Bed Tax (LTC Provider Fund) – which exists via a verbal agreement between HFS and IDoA; and funding for the expansion of the Home and Community Ombudsman program.

There was discussion as to whether the Bed Tax would be covered under the Federal side. Dave Vinkler thought there was something in writing. Sally said that the statute states there will be up to \$20M for three areas – Ombudsman, expansion in HCBS, and increasing enforcement and hiring of more IDPH surveyors. Sally stated that the \$1.25M that IDoA receives for Ombudsman services is through a gentleman's agreement between IDoA and HFS. Routinely the money is not received until the end of the state fiscal year. The Director stated that he and Sally need to meet with the new HFS director about the agreement.

Tami thanked the Director for the latest e-mail updates he sent the Council and she asked that he please continue to keep them in the loop.

### **MMAI and Home and Community Ombudsman Grants**

Lyle VanDeventer reported. 10 H & C Ombudsman grants were executed in June 2014 to serve MMAI and Medicaid waiver clients. In January 2015, an additional seven H & C grants were executed to serve the non-MMAI areas statewide. MMAI, BIP, and GRF support the H & C Ombudsman expansion. Margaret asked Sally for a list of funding sources and Sally agreed.

### **Future Ombudsman Training**

Neyna asked the Director about upcoming training sessions for the Governor's Conference and the APS conference. Can we proceed on securing speakers? Director Holton stated that he believes the conferences are important, but it may be too early to do much planning until he meets with the Governors' office. It is on his radar.

Margaret stated that the conferences are the glue which brings the providers together and makes them feel like they are supported. Neyna concurred.

### **Fiscal Report-Dennis Miner**

Dennis Miner reported on the financial status of IDoA. His office is preparing a comprehensive list of all current grants, contracts, and funding sources for the OMB to review. Grants and contracts approved and in place can continue. Tami asked, with the change of Governors, if Dennis expected to see Comptroller payments to be slowed down. Dennis said no.

Tami asked if there were any programs behind on being paid. Dennis said they are working on expedited payments for CCP, CCU and BIP. Payments have to be over 90 days past due to qualify. Dennis said the providers can request expedited payments but there is no guarantee that payment will be quickly expedited. The requests have to meet one of three hardships to be approved.

### **Video Recording**

Jessica O'Leary, Attorney General's Office, attended the conference call to discuss camera legislation sponsored by the AG's office. She said she would be willing to meet with Council members when the draft language is released. She said she has reached out to three other states with camera legislation. Tami stated that the interests from the AG's office may be different than that of the Council.

Pam Neibuhr stated that her daughter has requested a camera in her room. There have been several issues raised where a camera would have served as evidence of the facts.

Sally asked about consent – who can consent when the resident is unable?

Tami mentioned concern of residents being exploited through use of the video cameras – i.e., inappropriate pictures being posted on Facebook. She said the law needs to be set with very specific parameters. Sally suggested that Jessica visit a family council or resident council to hear firsthand. She would need prior consent to attend.

Cost factors were discussed. Jessica stated that they were trying to find funding to cover costs for residents that are on Medicaid. Cameras cost an average of \$75 – \$200 each.

Margaret asked for a timeline – Jessica stated that draft legislation is still being written, the deadline to introduce new legislation is 2/6/2015; the deadline for introduction of new legislation is 2/26/2015.

Sally agreed to schedule a conference call with the Attorney General's office once the draft legislation is released.

The topic of Personal Needs Allowance was brought up. It has not been increased in over 25 years. It is currently set at \$30.00 a month for Medicaid residents in nursing homes.

It was mentioned that the Circuit Breaker program should be brought back.

Pam stated that some nursing homes are suggesting to residents that they opt out of their managed care plans. Director Holton mentioned that the Department of HealthCare and Family Services (HFS) oversee Medicaid managed care plans. He suggested contacting James Parker from HFS on this matter to find out if this is an isolated case. Sally said she would send contact information for Lauren Tomko, who reports to Jim Parker, at Lauren.Tomko@illinois.gov.

Pam stated that she has never seen a more dedicated group of people than the Ombudsmen. They saved her daughter's life. BUT, Pam believes advertising is lacking. Sally expressed the importance of Ombudsman posters posted at LTC facilities. The Ombudsmen take posters with them when they visit nursing homes and every new resident is required to be given a Residents Rights brochure from the facility.

Discussion was held regarding nursing homes not having the posters displayed during surveys and not being written up. Steve Iden stated that, unless there is a significant punishment attached to the violation, they are going to ignore it. It was suggested to invite someone from the Department of Public Health to the next meeting to address this issue. Margaret stated that this is why the Ombudsman program should be on its own – it would be more noticeable.

Sally mentioned that the U of I is helping to develop a public awareness video on the Long Term Care Program and its expansion. Both residents and Ombudsmen have been interviewed. The video will be available on websites, U-Tube and other social media outlets.

### **Old Business**

Margaret stated that two meetings ago she asked for the HFS contact person for Managed Care. The contact person is Jim Parker.

Sally was asked to share contact information, a MMAI listing, a Community Care listing, and a website link of all Managed Care Plans. Dave Vinkler stated that Molena Managed Care also has a contact list on their website. Dave left AARP and now works for Molena. His phone number is 217.801.7904. Dave also said he would check on posting of a 3-way contract.

Neyna and Lyle are scheduling coordination meetings between the Office and MMAI Managed Care plans. Meetings will be held at the MCOs offices. Margaret also asked for a list of the meetings so Council members can attend if they would like. Margaret asked if the Home Care Expansion brochure will be available via the website; Sally said the request has been submitted.

Margaret asked about the 1115 Waiver – is it still a “go”? From all indications Lyle said it is.

Neyna reported on MFP. A total of 564 individuals were transferred out of nursing homes in calendar year 2014, which represented 81% of the goal of 592. The breakdowns of transitions are:

IDoA – 75	DRS - 88	DMH – 48
DDD – 213	Colbert Class – 300	

Neyna also reported that 218 Ombudsman referrals were made since the new Customer Relationship Management (CRM) reporting system was implemented.

### **Other State Agency Reports**

Department of Public Health – nothing to report

Department of HealthCare and Family Services – nothing to report

State Treasurers' Office – nothing to report

University of Illinois, Springfield – nothing to report

**Other**

Phyllis Mitzen brought up the subject of report issues that was discussed in the last meeting. She suggested a meeting with the Department of Public Health to possibly address the issues.

Pam thanked the Director and Tami for letting her be a part of the Council. It has been an educational experience and has helped her in dealing with her daughter.

Margaret stated that the Council now has two sets of minutes unapproved because there has not been a quorum.

**Next LTC meetings**

4/21/2015 – location TBD

7/21/2015 – location TBD

10/27/2015 – location TBD

**Adjournment**

The meeting was adjourned at 12:19 p.m.