

## MINUTES OF THE ILLINOIS LONG TERM CARE COUNCIL

April 21, 2015

**Call to order:** A Quarterly Board meeting of the Illinois Long Term Care Council was held at the Illinois Department of Natural Resource Building in Springfield, IL on April 21, 2015. The meeting convened at 10 am. Director John Holton, Chairperson, presided.

**Voting Members Present:** Ann Ford, Bill Bell, Steve Iden, Sally Petrone, Phyllis Mitzen, Margaret Niederer, Marsha Johnson, Greg Wilson and Carolyn Peck

**Voting Members Present via Phone:** Pam Neibuhr

**Voting Members Absent:** Dave Sutor, John England, Wayne Smallwood, Jamie Freschi, Myrtle Klauer, John Hosteny, and Lori Hendren

**State Agency Representatives Present:** Director John Holton (Department on Aging), Neyna Johnson (Deputy State Long Term Care Ombudsman), Todd Trautvetter and Phil Miller (Illinois State Police), Doree Vetter (Department of Veterans' Affairs), Connie Jensen and Ted Zelinski (Illinois Department of Public Health), and Janene Brickey (Illinois Department of Healthcare and Family Services)

**Guests and Others:** Jessica O'Leary (Attorney General's Office), Alex Burke, Erin Davis and Lyle VanDeventer (Illinois Department on Aging)

### **Announcements:**

Director Holton announced that Sally Petrone will be retiring from IDoA at the end of April.

Todd Trautvetter announced that he will be retiring from ISP the end of May. He brought with him Sgt. Phil Miller as the tentative new ISP representative. Todd said a formal letter is forthcoming to Director Holton from ISP Director Leo Schmitz to consider Phil Miller as part of the ILTCC Board.

### **Chair Report:**

Chairperson Holton stated that ILTCC has the support of the governor's office in introducing legislation to make the Ombudsman program a separate program. He said he has had a meeting with Margaret Niederer and Phyllis Mitzen on ideas to strengthen participation of the Council – i.e., roles via statutes and how to increase membership.

One suggestion was the need for the development of a training protocol for new members. The LTCOP has been expanding due to Federal grants. It now stretches beyond the nursing home sites – to enrolling and/or transitioning to managed care in nursing home facilities and/or homes of the residents own or homes shared with family.

All this reflects advancement of responsibility of Ombudsmen which will increase again as the program becomes more familiar to the public.

**Legislative Update:**

HB2246 - Alex Burke reported on HB2246 which proposes making the State Long Term Care Ombudsman position a four year appointment position. The program would stay housed in IDoA to use IDoAs resources. It would have a separate appropriation and be its own independent operation.

Erin Davis stated that the position was a union position, subject to Rutan. The position was taken out of the union; and now it is the intent to make it a double-exempt position of appointment.

Concern was voiced for the position to have protection from political influence that can act independently for the residents; and no term limits.

Mentioned was the Florida State Ombudsman that was fired when he wanted to raise questions on who owned what. Also mentioned was that Wisconsin started out with a three member board appointment by its Governor to evaluate the program.

Alex Burke stated that any additional comments/concerns could be sent to him.

**Motion:** Moved by Margaret Niederer and seconded by Ann Ford that the council support the intent of HB2246, Amendment 001 (Long Term Care Ombudsman Program elevation) Motion carried.

HB3398 - Bill Bell mentioned the RN staffer bill (HB3398) – puts in qualifications, guidelines, and a restriction on waiver allowance coverage similar to the Federal side. The bill was introduced out of Committee and is on the Floor for a second reading.

Bill stated that in the Southern portion of IL the rural facilities are having trouble meeting the RN rules. He stated that there already is a waiver section within the RN rules. If the facility wants a waiver they have to demonstrate that they have tried but could not meet the requirements to hire RNs.

**Recommendation:** Sally Petrone recommended that HB3398 be tabled for review. Further discussion shall continue via a conference call to be held within 10 days of this council meeting, giving members time to review the bill to determine council action on whether or not to support it. Sally will follow up on this.

HB2462 – Alex Burke mentioned HB2462 – Electronic Monitoring. He stated that it is in its third reading. IDoA has a few issues with it. Sally Petrone was present on the 14<sup>th</sup> in support of the bill. Jessica O’Leary of the Attorney Generals’ Office also testified. There were a lot of people present in support of the bill.

HB1602 – Bill Bell mentioned HB1602, a surveillance bill put forth by Illinois Health Care. It is in second reading from the Senate Judiciary. It will be coming back with another amendment.

Todd Trautvetter stated that this bill allows for the use of a NATI camera in nursing homes with the approval of the resident and the nursing home. If the room has two residents then the consent of both is needed. A sign is to be posted stating that persons may possibly be taped.

HB2462 – Alex Burke stated that HB2462 requires the video to be time stamped. Todd Trautvetter stated that ISP had no problem taking the time stamp off as the taped information cannot be used in a court of law.

Questions were raised regarding monitoring responsibilities of the camera, and concern regarding wrongful usage of the taping. Alex stated that the language will be changing.

**Motion:** Moved by Steve Iden and seconded by Margaret Niederer that the council support the intent of the HB2462, Amendment 2 (permit cameras in facilities) but cannot approve the bill because important issues have yet to be determined. Motion carried.

**Approval of Minutes:**

Moved by Marsha Johnson and seconded by Steve Iden to accept the minutes of the January 20, 2015 council meeting with corrections: spelling of Jamie Freschi's and Blanca Farris's names; identification of Carolyn Peck as voting member on phone; and clarification of Phyllis Mitzen's reporting Issues. Motion carried.

**Old Business:**

HFS and Managed Care contacts - asked for in the previous meeting. Sally Petrone provided the contact information in this meeting's agenda under Old Business; and she provided an updated "Home and Community Ombudsman Contact" list which was sent out to council members with the agenda.

IDPH regulations on posting Ombudsman posters – Posters are required to be posted in highly visible areas. If no posters can be seen it is noted during IDPH surveys. It was mentioned that the posters are often posted too high for those in wheel chairs to be able to read.

Reports on poor care in facilities -

**Motion:** Moved by Phyllis Mitzen and seconded by Marsha Johnson to table the council's discussion about the reports from Families for Better Care and other reports pertaining to poor care in facilities. Motion carried.

Bed Tax funds verbal agreement - Margaret Niederer voiced continued concern over the verbal agreement IDoA has with the Department of Health Care and Family Services regarding the portion of Bed Tax funds IDoA receives for the Ombudsman program, home care based services, and surveyors.

**Motion:** Moved by Margaret Niederer and seconded by Marsha Johnson that the council request Director John Holton 1) to move toward a formal agreement between the Department of Health Care and Family Services and the Department on Aging regarding funds from the bed tax for the Illinois Long Term Care Ombudsman program and 2) to provide recommendations to the council on its role in supporting an agreement that maintains the funds for the ombudsman program. Motion carried.

Phyllis Mitzen's clarification of report issues -

**Motion:** Moved by Steve Iden and seconded by Marsha Johnson that Phyllis Mitzen's clarification of report issues be moved to the next council meeting. Motion carried.

Responsibilities of the council-Margaret Niederer thought the council should look on how to move beyond the way it operates now and how it can be shaped to more effectively address quality of care. (handout distributed)

**Motion:** Moved by Margaret Niederer and seconded by Ann Ford that a committee be established and convened by Director John Holton to address structural issues of the council in order for it to effectively address quality of care of people who live in licensed facilities and those receiving care through home and community services and managed care. Motion carried.

Listing of recommended information for ILTCO per Margaret Niederer – Margaret handed out a self-prepared list of recommendations of information she felt ILTCO needed to have in the daily operation of their duties.

Sally Petrone stated that Jessica Belsley and Lyle VanDeventer have been on the road providing training to ILTCO, including during the expansion of the program. Michelle Accoff has been providing training on managed care. Also a webinar has been developed which outlines the Ombudsman's role, and addresses many of Margaret's questions. Marsha Johnson stated that there are also statutory guidelines.

**Motion:** Moved by Margaret Niederer and seconded by Phyllis Mitzen that the council participate in all webinars relevant to handling of complaints and inquiries for people living in licensed care facilities and those receiving services through home/community or managed care agencies. Motion carried.

Sally Petrone stated that she would provide the Council with a list of IDoA's webinars and HFS webinars.

Problems with the HFS system - Janene Brickey mentioned problems with the HFS system – i.e., the system only allows for one address, sometimes there is a need for a medical recipient address. Margaret Niederer stated that there is a need for inputted data, an analysis performed, and a final document to show what is/is not working. What is HFS's role to oversee/monitor denials at the different levels of care? Steve Iden stated that there is a problem with rules in law that are attached to federal funding which are hinged on managed care being in place.

**Recommendation:** It was recommended to contact Laura Ray, HFS, to address the council at the next meeting. Janene Brickey asked that any questions to be addressed by Laura Ray at the next meeting be e-mailed to her.

**New Business:**

Pam Neibuhr had questions on legal representation of residents. It was suggested to talk to Erin Davis, IDoA and/or Equip for Equality. Steve Iden said the problem is there is no consideration of funding for legal protections for evictions.

**State Agency Reports:**

Healthcare & Family Services – Janene Brickey stated that HFS has been trying to work with its sister agencies to all get on the same page. During the past six months they have been expanding out new information to Aging and other networks. They have been outreaching as much as possible. CMS issued new regulations; the regulations will be posted on HFS's website. HFS has four years to get everyone in compliance.

An annual report is on HFS's website. Theresa Eagleson is back to help as Jim Parker is leaving.

Have not heard a peep on the 1115 waiver.

Public Health – Connie Jensen reported that all their funding is dependent on the Federal budget. The number of surveyors is currently 212.

Illinois State Police – Todd Trautvetter reported that ISP has a new commander – interim Lt. Brad Mauer – office located in Springfield.

Department of Veterans Affairs – Doree Vetter had nothing new to report.

University of Illinois – Dr. Carolyn Peck distributed a handout a flyer of the latest UIS Human Services program.

Peterson Corporation – Greg Wilson had nothing to report.

Illinois Department of Public Health – A report on deficiencies was distributed.

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**Recommendation:** It was recommended to put the report on the agenda of the next meeting for an interpretation of the deficiencies.

**Motion:** Moved by Margaret Niederer and seconded by Marsha Johnson that the council write a letter of appreciation on Illinois Department on Aging letterhead stationery to those members retiring from the council. Motion carried.

**Recommendation:** It was recommended to put the Home and Community Based program rollout figures on the agenda of the next meeting.

Adjournment: The meeting was adjourned at 1:57 pm.

Katherine I. Seketa  
Illinois Department on Aging

10.21.2015  
Date of approval