

Illinois Long-Term Care Council
Meeting Minutes
7/15/14

Voting Members Present: Tami Wacker (Co-Chair), Bill Bell, Jamie Freschi, Director John Holton, Steve Iden, Marsha Johnson, Pam Neibuhr, Margaret Niederer, and Greg Wilson

Voting Members Present via Conference Call: John England and Phyllis Mitzen

Voting Members Absent: Myrtle Klauer, Ann Ford, John Hosteny, Wayne Smallwood, and Dave Vinkler

State Agency Representatives Present: Kitty Watson, Todd Trautvetter, and Mary Riseling

Guests and Others Present: Debra Bryars (IDPH), Dr. Carolyn Peck (UIS), Neyna Johnson, Lyle VanDeventer (IDoA), Erin Davis, Tim Hameetman, and Sharon Woods

Katie Eckles and Mary McGuire – HFS came in later via conference call.

Recorder: Kathy Seketa

Welcome & Introductions

Tami Wacker called the meeting to order at 10:05 a.m. Attendee introductions were made.

The minutes from the prior meeting held April 15, 2014, were approved after the recorder corrected the spelling of Michael Suttons' first name, minor punctuation editing, and submitted correction from Margaret Niederer under "Old Business." Steve Iden made a motion to approve the minutes as amended, Margaret Niederer seconded the motion, and the motion carried.

The Co-Chair asked that everyone review the Agenda that was distributed. She stated that she had received requests from some Council members to add more information to the agenda, and also received requests from other Council members to limit the information on the agenda. No one present had any comments.

Tami reminded everyone of the need to fill out and submit Ethics Statements. She thanked those that had already submitted them and asked that those who have already submitted them for another committee to please let her know.

Family Member Reports

Pam Neibuhr asked how many hours of training surveyors complete. It was answered that they get three weeks and then on-the-job training.

She also asked what happens when a complaint is filed – is everyone questioned i.e., the legal guardian in the reporter, are medical records reviewed?

Tami stated that there are different surveyors in different areas; some do more reporting than others. This can be bad for client because what may seem minor to one surveyor may be major to client.

Tami stated that if a violation is found, notice is sent to the corporation. If the corporation does not act, then a report goes to Public Health.

The question was raised as to where the ombudsman goes from there, especially when the complaint is constantly occurring. The response was that the family brings forth the evidence and witness(es). If the state finds the charges unfounded, the family has no recourse.

Katie Watson mentioned an appeal process could be undertaken.

Tami said the Council could become more involved in educating family members on the process. Public Health looks at it through regulatory procedures – differently than law enforcement.

Jamie Freschi stated from personal experience, that there is some staff that are phenomenal and others that just don't get it. There is the need to look at the individual and their needs rather than the structure.

Pam stated that the CNAs tend to be the hardest workers there but are the least paid. Staffing is always an issue. The question was raised on training requirements for staff. CNAs require 12 hours of training a year – there is a list of mandatory training and then there are extras. Bill Bell stated that a lot of the course work is old and outdated and needs to be updated.

Greg Wilson said he could forward a list of the current requirements.

A motion was made and seconded for Tami to form a committee to look into the current required training and prepare a report for the group. Pam, Jamie, and Mary agreed to sit on the committee.

Other comments made were:

- Insurances of the staff paying attention during the trainings; the need for compassion training; and the need for end of life training. Tami state that Peoria's Ombudsmen have put on some great training.
- Margaret Niederer recommended that the council look into the Hearing Officers hired – they should not be employees of the State Board of Education or State Board of Health where the officers could be conflicted in the hearing process.
- Tami added the Council should also look at Public Health hearings on the concept of conflict of interest.
- Margaret also thought the law should be taken a look at this is currently in place regarding the setup of facility Boards.

- Director Holton suggested that staff from the Department on Aging as well as Council members should attend the hearings. Having additional people present may level the playing field.

The question was raised as to how many hearings end up in favor of Public Health? Steve Iden stated that they run into a lot for legal aid. What is the fix for the system? Currently they have a centralized appeal board. Usually the response is the same as the first time.

Margaret stated that there is no appeal process for supportive living, managed care, etc., right now. Greg stated that the next step would be the Circuit Court. Steve mentioned that the Circuit court has to find that there was no way in hell that the agency should have something done before any action will be taken. Tami stated that the Council should work with IDPH to empower the family to feel strong and that it is an impartial system. Jamie mentioned that the hearings are based on appeals from IDPH and not from involuntary discharge. Pam stated that you have to go to the appellate level to get something done but families can't afford \$250.00 an hour. A suggestion was made to invite Bob Morgan and John to get IDPH's chief legal councils' perspective.

Margaret made a motion for the Department on Aging to establish steps to be taken to address this problem. Director Holton seconded the motion: then motion carried.

Margaret brought up a second issue of concern – the fact that nursing homes are not in the free market system. She felt that the Council should look into what the law is now “certificates of Need.” She stated that the Council should look into when it is going to come up again in a bill, have testimonies – there is a sunset date and lots of parts to it; and that the Council should oppose it. Tami said she will check into it and have someone to present on it at the next meeting.

Dr. Peck presented information on a co-housing development in Stillwater, Oklahoma. (A handout was distributed.)

State Agency Reports

Mary Riseling – Secretary of State – stated that it was a slow quarter– the rollout of the placards has been completed. It was estimated that 30% of applicants would receive them but actually only about 11% did.

Kitty Watson – Office of the State Treasurer – had no report.

Todd Trautvetter – Illinois State Police Medicaid Fraud – reported that ISP has hired two new attorneys. They are still fighting to get 24 investigative and 7 support staff vacancies filled. Tami asked if there was anything the Council could do to help. Director Holton also offered to help.

Jamie asked Todd to clarify what his unit investigates. Todd said anything from Medicaid – except no recipients – whom Brad Hopper investigates; financial exploitation if it meets at least

six points – has to have deceit involved; abuse and neglect – any abuse in long term care facilities, and suspicious deaths in long term care facilities.

Pam asked if everyone on Medicare/Medicaid is going to Managed Care; the response was those North of I80 and those that are full blown Medicaid.

Marsha Johnson asked the group if their Public Health appeals have been timely. Tami stated that hers have been.

Debra Bryars, Acting Deputy Director of IDPH introduced herself. Debra stated she is new to the agency – Toni Colona retired. She took questions from the group regarding current legislation and complaint investigations. She promised to return with answers and be a participating member of the Council.

State LTC Ombudsman Program (LTCOP) Report

Neyna Johnson, Acting State Long Term Care Ombudsman (SLTCO), made the following report.

- Sally Petrone is on medical leave until August 11.
- Lyle VanDeventer was introduced as the new State Deputy Home Care Ombudsman, located in the Office of the SLTCO Program.
- the administrative rules are with General Council;
- the public list of certified Long Term Care Ombudsmen is being updated on IDoA's website;
- There are three new Regional Ombudsmen in areas 02, 03 and 11– Thomas R. VanCleave, Elizabeth Guzman, and Meaghan Roberts, respectively;
- Sharon Woods has only a few days left on her 75 day contract with the Office;
- the Home Care grant's – the first payment has been issued; and
- two webinar trainings are in the works – one is case documentation for MFP, the other TBA.

Status of MMAI – on June 15th the semiannual report was submitted to the Feds. Nothing has been heard of yet; no news is good news. They are waiting for additional guidelines.

The first Level I training for MMAI was held at Access Living in Chicago. Level II training will be held July 14.

Money Follows the Person (MFP) program – PBC has been submitted; and General Council has recommended some language changes. Neyna said the program has been extended through 2020.

Ombudsmen (Jamie Freschi, Bernard Cobbins, Terri Simpson, and Cathy Weightman-Moore) met with IDPH to discuss egregious cases, asking about the findings – why they were what they were. IDPH agreed to relook at the cases and then meet again.

IDoA will pay for the Ombudsman registrations to attend the upcoming Adult Protective Services conference. There will be a pre-training. The conference agenda and a registration link was distributed.

Latest on the MFP program, CMS dinged HFS so HFS had to come up with a projected action plan. Murray Development Center is still in litigation and at a standstill for residents being move into the community. HFS is working with the Department of Mental Health (DMH) to expand DMH resources. Lack of resources has greatly hindered transitioning. Projected goals were 979 for 2015, but actual figure is 255.

There has been ongoing discussion of a possible merge of the Balance Incentive Plan (BIP) group and the MFP implementation group.

Margaret asked what the issue was with the unavailable services. Lyle stated that it is hard to find available housing with the proper setup – i.e., that are handicapped accessible, at the right cost, etc.

(Katie Eckles and Mary McGuire, HFS, joined the meeting)

Margaret stated that HFS has made a list of facilities that have never made a referral – she asked why is that? What about those that are saying “I want to go home?” Tami mentioned that a number of section “Q” has not even been filled out on the residents. Margaret asked if it is the lack of services in the community, or is it the lack of proper application process?

Katie said they have a new enhanced listing, effective as of May 12 that they were getting ready to mail out. Tami asked for a copy to share with the Council.

After more discussion on what is the issue it was suggested that a letter be sent out which states what area(s) have mental health availability. Tami stated that she would like to see an acknowledgement letter go out to the client requesting to be transitioned. Jami stated that some of her clients may be willing to relocate to where services are available.

Phyllis asked about the Ombudsmen being involved in Resident Councils, an outreach video would be good to show at the meetings.

Katie was asked if the latest Action Plan could be shared, she said she would check into it.

Lyle VanDeventer spoke on the Home Management Care program – stated that more MMAI grants are coming out. The new round will include 17 sites. There will also cover four waivers.

Lyle has been working on an oral history video – looking for residents that have had a good response with an ombudsman and those that have had a successful transition.

Lyle mentioned that a brochure is almost done. Updated materials will include the Home Management Care program and the Ombudsman program.

Phyllis asked Lyle if there was a role of the Stakeholders that would be helpful. Lyle said it would be up to the Council to determine if they wanted to get involved. Tami suggested looking at the different roles and what role the Council could play and looking at the AAA and Ombudsman roles, and the Long Term Care Advisory Board makeup.

Margaret made a motion that the Council prepare a letter to Director Holton requesting that the Council have a chance to review the distribution list prior to its dissemination. Phyllis made a motion; there was no second.

Steve Iden amended the motion saying that the listing would be provided to Tami, who would then distribute it to the Council members. Council members would have one week to provide input. Tami said she would write the letter to the Director of IDoA if IDoA would recognize the Council as a stakeholder. Margaret seconded the motion as revised; the motion carried.

Tami thanked IDoA for the Home and Community Care money – it was not much but it did help her with the purchase of advocacy tools.

Old Business

Steve mentioned legislation on POAs. He said the bill flew through without discussion; it passed Senate without a negative note. This bill replaces the old Health Care POA. The old POA is still valid, but there is just a new one.

Margaret made a motion for Council to send a letter to the Governor to oppose the proposed legislation. Jamie seconded the motion; the motion carried with Steve abstaining.

Illinois Grade Card – Council had created a committee to review information on it. The Committee reported two concerns they found – it is funded by the Plaintiff Attorney fund, and there is no fair comparability of Illinois to other states on this issue. Tami said she tried to find where the Grade Card numbers came from but could not find them.

The Co-Chair suggested that maybe IDPH could bring to the Committee how the deficiencies are written and what level the deficiencies are; then the Committee could try to do their own comparison. Greg Wilson stated that it looked like RNs and CNAs were the only ones looked at. It was also mentioned that Illinois has its highest staffing ratio right now; the card looked at Illinois when it was a low staffing. Jamie asked if it was agreed that the Grade Card was the past and the Committee should look at problems now and address those. Margaret stated that she would like to have more specific information on the flaws of the data to send to Families with Better Care. Tami said she would talk to Debra about reviewing the top 10 deficiencies and look at them as room for improvements.

Sharon said she would be providing contacts and reports from HSF. Other Council members thought Assisted Living and PH, and skilled and intermediate care should also be counted in.

BIP – moved to the next meeting.

Independence of the Ombudsman Program – moved to the next meeting.

Adult Protective Services Conference – already covered. Marsha Johnson said she would like to go.

Other New Business

HB 3328 was mentioned.

Margaret did not see the posting of the minutes. She mentioned reflecting the agencies those present are representing.

The subject of responsibilities of the Council was brought up. The question was raised as to whether or not the Council is looking at state yearly reports. Tami stated that the Illinois Grade Card committee is doing that.

Adjournment

With no further discussion, the meeting was adjourned at 2:15 p.m. The next meeting is scheduled for October 1, 2014.