

**Illinois Long-Term Care Council
Meeting Minutes
Northfield Center
10/21/14**

Voting Members Present: Ann Ford, Bill Bell, Jamie Freschi, Steve Iden, Margaret Niederer, Wayne Smallwood, and Greg Wilson

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

Voting Members Absent: Tami Wacker, Myrtle Klauer, Director John Holton, John Hosteny, Marsha Johnson, Pam Neibuhr, and Dave Vinkler

State Agency Representatives Present: Janene Brickey (DHFS), Debra Bryers (IDPH), Ryan Gruenfelder (AARP), Todd Trautvetter (ISP), and Kitty Watson (State Treasurer's Office)

Guests and Others Present: Cindy Colwell (IDPH), Dr. Carolyn Peck (UIS), Connie Jensen (IDPH), Neyna Johnson (IDoA), Henry Kowalenko (IDPH), George Logan (IDPH), Jackie Manker (IDPH), Karon McGrath (IDPH), George Skaggs (IDPH), Lyle VanDeventer (IDoA), Erin Davis (IDoA), Tim Hameetman (IDoA), Katie Eckles (HFS) via conference call, and Ted Zelinski (IDPH).

Recorder: Kathy Seketa

Welcome & Introductions

Neyna Johnson called the meeting to order at 10:05 a.m. in absence of Tami Wacker and Sally Petrone. Neyna stated that future meetings will be held in hotel settings such as the present one as the lower level rooms in the DNR building are no longer available for booking. Neyna will make every effort to make sure that feasible conference calling equipment is available at the upcoming new meeting locations. (The equipment for this meeting had poor speaker phone capability – those that called in had a hard time hearing what was said at the meeting site despite moving the equipment around.)

Introductions were made.

The minutes from the prior meeting held July 15, 2014, were reviewed and discussed. Margaret made note that the six issues that she requested discussion on prior to this meeting had not been mentioned in the minutes. They included printing the 2014 Report Card on Nursing homes for the ILTCC and send to the council members; bringing the 2014 Report Card information to the attention of other agency directors; having the Department of Public Health's ILTCC representative address the major issues that she sees regarding serious deficiencies that harm residents at the ILTCC; ask other states how they have been able to effectively get their legislators and other State Officials working on resolving poor care; requesting State

Ombudsman Sally Petrone to address the ILTCC concerning questions about who is responsible for assuring that ombudsman complaints about poor care, abuse and neglect are resolved in the home and community care (and Managed Care) systems; and initiation of action that will result in a yearly ILTCC report being produced. Margaret also requested that discussion of these six issues be put in writing. There was no quorum to vote on the minutes with the mentioned changes.

Family Member Reports

Margaret Niederer expressed concern on the number of problems and issues with Homecare. She had a received a report from a friend of a friend who had Alzheimers, that the assigned caretaker did not stay at home with the client. The caretaker took unauthorized car rides, and client would be locked in bedroom while the caretaker watched TV. The client did not know of the Ombudsman program nor was told of the Home Care Ombudsman program when home care was started. Margaret felt that clients should be required to be informed of their rights before they sign for home care services.

Jamie Freschi brought up a concern – she has seen where the facility will listen to the POA rather than the resident. HB 3228 was signed by the Governor amended the POA Act, giving the agent more authority over decision making. Previous forms are being accepted but not statutory forms. New forms will be mailed out 1/1/15, a simple form with six pages of instructions. Jamie asked if the principle of the POA can state when they want the form to come into effect. Steve Iden stated that parameters can be set but he is not sure how effective they would be, and that is for Health Care only.

State Agency Reports

Todd Trautvetter – Illinois State Police Medicaid Fraud – reported that ISP continues its efforts to hire more investigators for the Medicaid Fraud area. They have 10 as of now, two of those are looking to retire at the end of the year; Todd himself will be retiring 5/31/2015.

Todd mentioned that the Chicago Tribune had contacted ISP regarding personal assistant arrests. ISP is battling nursing regulations which currently do not restrict a nurse who is fired from one facility, from going and getting hired at another facility. Todd asked for any suggestions on how to handle this issue. Greg Wilson mentioned regulation #198.097 from Missouri that addresses this issue and that he would be willing to assist.

There was also discussion on resident identity offenders and the need for stricter license association regulations.

Debra Bryer – Acting Deputy Director of IDPH – stated she had nothing to report.

Janene Brickey – Department of Health and Family Services – reported that nothing has been adopted yet.

Wayne Smallwood – AALC – had nothing to report.

Bill Bell – Illinois Healthcare Association – had nothing to report.

Erin Davis – Legal Council for Illinois Department on Aging – mentioned that she provided a Long Term Care Ombudsman Regulations update in a review at the Office of Management and Budget. It covered Federal rules, not State rules.

Lyle VanDeventer – Long Term Care Ombudsman Program at the Illinois Department on Aging – reported on the Program Expansion. He said the expansion is still in the learning process; the handling procedure used is dependent on where in the system the call comes in. If a call goes into the Ombudsman program, they handle it and send Lyle a notice on it. If the IDoA HelpLine receives the call, the call goes to Lyle himself and then he passes it along to the appropriate Ombudsman program.

Lyle said they are in the process of producing a Public Service Announcement video for media and members viewing. They are also looking to create a link of the video on the IDoA web site. Increased marketing will increase the number of calls.

The LTCO program expansion just started in July, and more work needs to be done on outreach. Lyle said there are 10 agencies statewide in MMAI areas (areas covered by Medicare/Medicaid). Applications have just been mailed out to non-MMAI clients – those only on Medicaid waivers.

Lyle said he participated in a grantee meeting in Washington D.C. last month – he listened to how other states agencies are handling the process and which state is handling it the best.

Jamie mentioned the need to go out to the Managed Care facilities – talking to them and getting an idea of their frustrations. Lyle asked if anyone present knew of any present concerns. One concern mentioned was that a person residing in a nursing home where they were covered by MMAI, is moved to another nursing home not covered by MMAI – the coverage does not follow them. Another concern was the level of care the residents were receiving; there have not been any abuse issues reported. Lyle said the Ombudsman can only work with the client if the client wants the help. The Ombudsman will always remain the advocate, they will not take over anyone else's role – such as the Transition Coordinator.

Wayne Smallwood stated that Health Care and Family Services has a map of all the Managed Care programs and a chart for each program on their website. There is a lot of misunderstanding on placement – Maximus is the one who puts the clients in a plan. Wayne said there have been placement issues – a client can pull out of a Medicaid/Medicare program and maintain a Medicare program. Some facilities do not understand the program so they tell people to opt out.

Ann Ford stated that there is the need for agencies to be able to understand it so we can help the clients to understand.

Wayne said some have thrown away the letters and then said they did not get them.

Steve Iden said the number of participants erroneously being dropped is of epidemic proportions in the Champaign area. Wayne stated that once a person is dropped, the person has to go through the whole enrollment process again.

UAT is a new screening process that will replace the DON. Inner Ride Tool will also be a new process. The Governor's Office also has a GOHIT site.

Margaret Niederer suggested a conference call be set up to see if a motion could be made to write a letter to HCFS, IDoA, and HMS agencies regarding concerns over what is occurring. The letter would say that testimony at the Council meeting revealed that the public is not sufficiently informed of Managed Care. The letter would request suggestions from the agencies as to what else can be done to educate to the providers.

The TAG group was mentioned (Technical Advisory Group), and that Matt Hartman and Samantha Olds could provide more information about it. The group meets regularly, and addresses these types of issues. It was suggested that someone from the Council should start attending these meetings on behalf of the MCOs.

Neyna Johnson thought people are being saturated with trainings; she said training is occurring on an avalanche of issues. 1115 Waiver was mentioned – there are 935 participants and 33 different workgroups discussing the issues.

Old Business

POA – the issue was addressed today.

Grade Cards – More work is being done on this issue; Sally Petrone is not present to address the issue.

BIF – Katie Eckles was going to report via speaker phone – but was no longer on the line. It was mentioned that the Contact Outcomes report was sent to Tami Wacker, but it has not been disseminated yet.

Independence of the Ombudsman Programs – Tabled until Director Holton arrives, or carry over to the next meeting.

New Business

Connie Jensen from IDPH introduced herself and the IDPH staff present. They had prepared a slide presentation of the Office of Health Care Regulation. Handouts were distributed. George Skaggs, representing the Special Investigations Unit was the first to start the presentation. The Special Investigation Unit has 5 areas – Incidents Program, Abuse Prevention Review Team, Central Complaint Registry, Complaint Return Calls, and the Monitor Program.

George Logan presented on the Legal Services portion of the IDPH presentation, talking about the complaint hearing process, requests, notices, and place of the hearings. He also talked on Council representation, burden of proof, and the judicial review.

Margaret mentioned that the role of the Hearing Officer within the Judicial Review is flawed – reflects a conflict of interest. There is a preponderance of evidence for the families that come in. She mentioned an example where the IDPH form was filled out wrong, and the attorney did not go to the hearing and find out themselves that something was wrong.

It was mentioned that this being an election, Quinn has been signing legislation regarding nursing home facilities as the baby boomers going into the nursing homes are not as quiet.

Cindy Colwell went over the Education and Training section of the presentation – the program requirements, latest revisions, and monitoring and corrective action plans. She also covered the basic surveyor orientation statistics.

Ted Zelinski discussed the Division of Quality Assurance portion of the presentation. The top 10 deficiencies were available in chart format within the handout. Ted also discussed the informal dispute resolution process.

Henry Kowalenko covered the Division of Life and Safety and Construction portion of the presentation – showing changes in the safety codes, showing comparisons from the requirements in 2000 to the changes that occurred in 2012.

Karon McGrath discussed the Division of Administrative Rules and Procedures portion, covering the health care worker registry and legislative updates for 2014-2015.

At the conclusion of IDPH's presentation all other new business was tabled for next meeting.

Other

Jamie asked about the Money Follows the Person program – why referrals are not being made. Neyna mentioned that the report Katie had sent Tami may provide information on that issue.

It was suggested that someone give a presentation at the next meeting on Managed Care.

Adjournment

With no further adieu, the meeting was adjourned at 2:35 pm. The next meeting is scheduled for January 20, 2015.