



State of Illinois
Illinois Department on Aging

Illinois Long-Term Care Council Meeting

Date: January 26, 2010

Location: Video Conference

Members in attendance: Nancy Flowers, Margaret Niederer, Phyllis Mitzen, John Hosteny, Wendy Meltzer, Sue Kerrigan, Ann Ford, David Sutor, Mike O'Donnell, Myrtle Klauer, Pam Sall-Edelmann (by telephone), Matt Hartmon (as proxy for Pat Comstock). **Absent:** Eva Hall, Dave Vinkler. **Guests:** Robyn O'Neill, 2 MSW interns of the City of Evanston. **Staff:** Bill Bell, Lee Beneze, Debra Dell, Sally Petrone.

Call to Order: The Illinois Long Term Care Council was called to order at 10:10 a.m. by Co-chairs Lee Beneze and Nancy Flowers. The first order of business was a round of introductions.

Minutes: The September 29, 2009, minutes were reviewed. Margaret Niederer requested minutes be revised to reflect absent members and that State Ombudsman name should not be under state agency category.

State Agency Reports

Illinois Department of Public Health report by Bill Bell: IDPH has been working on the Governor's Nursing Home Safety Task Force to address disparity, inequity, mental illness population, mixed populations and the agenda keeps growing. Legislation will be surfacing during 2010 Spring session. The *Rosewood case* is still being argued and should be addressed through new legislation as well as imposing higher sanctions and fines.

Current Office of Health Care Regulations staffing is 171 surveyors; authorized for 204. The 171 includes DD surveyors but not the 4-5 for ALFs. There are 10 federal vacancies, the rest are GRF or positions paid by General Revenue Funds. The federal government is looking at increasing the state match (Medicaid) and having states receive less federal funding. The feds are pushing back and telling the states they have to pay more for services.

DISCUSSION: Wendy Meltzer stated that the monitor/receivership fund is still projecting a negative balance because of the \$1.7 M sweep. Feds agreed to allow IDPH pay for monitors out of CMP fund. CMP funds can't be swept by state because they are federal funds. Balance of CMP fund is \$400,000. IDPH had told IDoA in October 2009 they'd look for additional CMP funds in late March, 2010 and for the LTCOP.

Mike O'Donnell handed Bill Bell a document about Decatur Manor. LTCO expressed concern for facility being granted a waiver to meet Subpart S requirements.

Margaret Niederer asked if Governor's Task Force has been informed of IDPH's lack of staff. Bill replied that it's been broadcasted by various state agencies. And, the Governor's office has contacted IDPH to discuss other funding options.

Phyllis Mitzen recommended that a letter be composed by the LTCC to Governor Quinn about Public Health's need to hire more surveyors and need for more funding. A group of members located at the Chicago site agreed to draft bullets over lunch break. (Side bar: letter drafted and Nancy Flowers electronically sent to the Governor's office on behalf of the LTC Council). (Attachment A)

Illinois Department of Healthcare and Family Services report by Sharon Woods: Since 10/1/09, nursing facilities receive a specific rate from admission to discharge. HFS worked with NH industry on deliverables. By 1/15/10, Medicaid payments have been paid to facilities for November 2009 services for NH and SLFs.

There are 118 SLFs and 35 facilities on the approved SLF list. In 2009, rules adopted allowing for 5 SLFs to have dementia units for a 3 year period.

HFS will be releasing an RFP for an Integrated Care Program involving particular counties. 19-64 age group. Involving 2 HMOs. Will be mandatory sign up for residents that are on Medicaid. This is a directive from the Governor's Office. Task Force should be aware of this since the RFP should be a task force recommendation. It would include MIs but not in IMDs.

Illinois State Police report by Deb Dell: Sliver Alert, a response like Amber Alert system was recently implemented. It does include elopements in nursing facilities.

State Long-Term Care Ombudsman Program Report by Sally Petrone: The FY09 LTCOP Annual Report is posted on the IDoA web page and paper copies were distributed at the Springfield meeting site. Spoke on the Consumer Choice Reports and the need to charge facilities for maintaining & updating the reports. Supports levying a bed fee to facilities and for the Ombudsman program. State Ombudsman has participated in nursing home task force meetings and gave oral testimony at public meetings and at the Senate Human Services Committee public hearing in Chicago. Supports the nursing home task force preliminary report of recommendations released 1/14/10. By being on various radars, the LTCOP has received state and national interest from reporters and legislators.

Margaret Niederer asked that the Older Americans Act requirements be included in minutes and about on the annual LTCOP report. Cited from Older Americans Act Amendments:

Section. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM ADMINISTRATION.—
The State agency shall require the Office to—

- (1) Prepare an annual report—
 - (A) describing the activities carried out by the Office in the year for which the report is prepared;
 - (B) containing and analyzing the data collected under subsection (c);
 - (C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;
 - (D) containing recommendations for—
 - (i) improving quality of the care and life of the residents; and
 - (ii) protecting the health, safety, welfare, and rights of the residents;
 - (E) (i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

- (ii) identifying barriers that prevent the optimal operation of the program; and
- (F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers.

FY10 Legislative Initiatives

Since the NH will be a front burner issue, Lee drafted four legislative initiatives for the LTCOP: to increase bed fees, to levy a fee to NHs about Consumer Choice reports, change the Illinois Act on Aging, and increase the PNA to \$50. He apologized if he bypassed the committee structure, but felt strategy was up against a timeline.

DISCUSSION: Mike O'Donnell: Spring session may be a short session and, as a Council, we need to determine what we "have to have" and "what we truly need". "Should have" would be anything else. We know we need \$ to support the LTCOP. Bed fee is a top \$ issue. The rewrite of the Illinois Act on Aging is one we'd like to have.

Margaret Niederer recommended: no to the rewrite of IAA, yes to bed fee, no to consumer choice. Go with what we absolutely should have.

Phyllis Mitzen recommended: stabilize the LTCOP and respond to the NH task force. Bed fee is straight forward. Need to move forward. Consumer guide gives choice to consumers. Makes sense to consolidate other web sites into one.

Sue Kerrigan: How can the LTCOP make a difference? How is that bottom line going to make a difference? How can you fight against those who receive millions?

Lee Beneze: a strong point is legislation. If the LTCC can make an impact, then we should focus on legislation. When NH safety issue explodes, it is my feeling that the opportunity would present itself.

MOTION: Margaret Niederer moved that the bed fee legislative initiative be supported by the LTCC. Ann Ford seconded.

MOTION AMENDED by Wendy Meltzer: the motion before us is to amend the main motion: to support legislation of a bed fee for all licensed beds and licensed DD facilities.

FURTHER DISCUSSION: Matt Hartmon stated that IHHC has supported the PNA increase and funding increase for the LTCOP in the past. He is concerned that the funding source is on the back of the NH industry and would oppose. Feels there are other ways to fund the LTCOP and would be interested in working with the LTCC on other funding sources.

Phyllis Mitzen: This could be considered as collaboration and it would be a nice gesture.

MOTION CARRIED. Minutes should reflect that Myrtle Klauer opposed. Matt Hartmon asked that minutes reflect that if he had voting power, IHHC would oppose. Motion carried.

MOTION: by Wendy Meltzer, seconded by Mike O'Donnell. Moved to have LTCC discuss with NH industry about funding options for LTCOP. Motion carried.

MOTION: Mike O'Donnell moved that Governor's Task Force support levying a fee on nursing facilities to the LTCOP to maintain the consumer choice reports. Ann Ford seconded.

DISCUSSION: Include DD facilities. Review State of Ohio model and budget. Add ALFs and SLFs which would take legislative change. Wendy stated that the LTCOP shouldn't be taking a hit to maintain the website. She believes there should be a web site that connects state agencies and that it would be useful and friendly. Recommended that there be one consolidated website.

MOTION was voted on. Myrtle Klauer opposed. Matt Hartmon asked that minutes reflect that if he had voting power, IHHC would oppose motion. Motion carried.

MOTION: by Wendy Meltzer, seconded by Nancy Flowers. Moved that the LTCC support the preliminary recommendations of the Governor's NH Safety Task Force and authorize the legislative committee to analyze final legislation of the task force in the coming session and to support or not support it. Motion carried.

DISCUSSION: The final report places the recommendation the federal guidelines of staffing ratios in nursing facilities toward the end of the report.

Phyllis Mitzen told the members that the list of recommendations is not prioritized. Pam Sall stated that since it was near the end of the report, it looked to be not as important as other recommendations.

Presentation on the Illinois Power of Attorney Act by Susan Dawson- Tibbitt (by telephone).

Susan spoke briefly and answered questions about power of attorney. Susan is a Peoria elder law attorney and an active member of the State Bar Elder Law Section Council. Susan also discussed and answered questions on the new draft of the revisions to the Power of Attorney Act which has been worked on between AARP and the State Bar. She anticipated that it would be introduced this year in the General Assembly.

Old Business

LTC Council Bylaws: The issue of revising the bylaws was discussed. Lee said that there will be a committee appointed to review the bylaws.

FY2009 Legislative wrap-up: Prepared by Lee Beneze, a comprehensive FY09 legislative wrap up report was sent to the LTC Council members before the January 26th meeting.

LTC Council vacancies: Lee Beneze announced that the LTC Council will be posted on the Governor's Boards...web site with the notion that interested persons may apply. Vacancies should be identified and attached to the minutes.

Motion: Margaret Niederer, seconded by Myrtle Klauer made a motion to re-establish 4 standing committees and 2 ad hoc committees for the LTC Council. Standing committees: Executive, Ombudsman, Legislation, and Quality of Care/Best Practices. Ad hoc committees: Bylaws and LTC Annual Report Motion carried

Announcements

Effective February 6, 2010, Nancy Flowers ends her career with the City of Evanston as their Regional Ombudsman. She will remain on the NCCNHR Board and begin employment with Rainbow Hospice mid February.

Wendy Meltzer stated that she is resigning from the LTC Council.

At the next LTC council meeting, a new Co-Chair will be elected.

The next LTC Council Meeting is scheduled for April 13, 2010 as a video teleconference meeting.

The meeting adjourned at 3:15 PM

Minutes prepared by Sally Petrone