

**Minutes of the Meeting of  
the Long-Term Care Council  
January 17, 2012**

**Attending:** Lee Beneze (Co-Chair), John Hosteny, Ann Ford, Phyllis Mitzen, Dave Sutor, Margaret Niederer, Neyna Johnson, Sally Petrone, Sharon Woods, Eva Hall, MSGT Todd Trautvetter, Dave Vinkler, John England, Rick Dees, and Kitty Watson.

**Absent:** Tami Wacker, Pam Edelman-Sall, Robyn O'Neill, Kevin Taylor, Doree Vetter, Tony DelGiorno, Pat Comstock, Ben Brown, Myrtle Klauer, Gwen Diehl, and Rebecca Harshberger.

**Recorder:** Kathy Seketa

**Call to order:** Lee Beneze called the meeting to order at 10 am.

Lee announced new Council members; Kitty Watson, John England, and Kevin Taylor.

Matt Hartman attended the meeting on behalf of Pat Comstock.

**Approval of Prior Meeting Minutes** - Sharon Woods mentioned one change on page 3, paragraph 4, line 2 in the DHFS report- delete "reimbursement rates" and add "eligibility rules." There were also two name misspellings of the members listed.

Dave Vinkler made a motion to accept the minutes with the changes. John England seconded the motion. The motion carried.

**Filing Confirmations of the Required Ethics Training** - Lee Beneze discussed the Ethics Statement that is required to be completed by appointed Council Board members.

### **State Agencies Reports**

**Rick Dees, Public Health** – Rick stated that the rules revision packet regarding facility staffing was sent to JCAR last week with few changes. The psychotropic medications portion is still being worked on.

He also stated that Public Health has discontinued adding staff due to budget constraints.

Eva Hall suggested that a ratio of nursing home staff-to-residents should be considered just like a ratio for child in daycare centers, as the current staffing formula is inadequate. Rick responded that the passing of SB326 calls for staffing ratios to improve every year. Annual IDPH surveys include review of staffing levels.

Margaret Niederer mentioned that at the March, 2011, Long Term Care Council meeting the members had agreed to study the staffing issues and send a letter to the Governor. According to Margaret, a letter has not been sent.

Sally Petrone distributed a recent article from the SJR on the nursing bed tax. She also circulated a CMS memo on the CMP funding and asked Rick to address.

**Sharon Woods HFS** – Sharon provided Supportive Living update figures:

- 133 SLFs with 10,412 apartments, of the 9380 residents, 5726 are Medicaid-eligible. There are 30 facilities under development with approximately 3270 apartments.
- 15 applications were received for the 22-64 population; interviews were held, and five approvals were announced December 19, 2011.
- Two SLF facilities were certified last year to serve the dementia, bringing the total to five in Illinois.

Sharon stated that the new DRA rules were adopted and went into effect January 1, 2012, but has not been enforced as no set policy is out.

Sharon stated that nonexpedited payments have been paid through July 1 and NFs eligible for expedited payments have been paid through September; 132 NFs are eligible for expedited payments.

A discussion of the article in the newspaper on the bed tax concluded that it seems there will be some winners and some losers. Dave Vinkler spoke of the split of 70-30 – with 70% going to nursing homes and how eventually the split of 86-14 was agreed upon. Advocates weren't part of the final discussions with the Governor's office and trade associations. Dave was asked about AARPs position.

**Director John Holton** – Lee had everyone reintroduce themselves when the Illinois Department on Aging's new Director, John Holton, joined the meeting. The Director stated that long term care is one of several pressing concerns he is looking to address as Director along with lack of assistance for mental health patients, and untapped resources for the aging population. He stated that he serves on the National Governors Association Board, which is interested in a "generations serving generations" project - having seniors be instrumental in working with students, i.e. reducing dropouts. The program is a reciprocal information sharing program, i.e., the students help seniors to use phones other than just taking/making phone calls.

Margaret asked the Director to bring issues and suggestions to the Long Term Care Council to work on. Director mentioned a Long Term Care Committee he serves on and said he would share the meeting minutes with the Long Term Care Council.

Dave Vinkler asked the Director for his support for increased funding for the Ombudsman Program, in particular since the CMP funding ends 9/30/2012. Phyllis stated that the LTCOP is significantly underfunded. The Director said it is going to be another tough fiscal and he vowed "to fight for the LTCOP."

**Action:** Phyllis recommended sending Long Term Care Council minutes to the Director as well as the Director reciprocating and sending Long Term Care Council the minutes of the Long Term Care Committee.

**Todd Trautvetter ISP** – Eleven patrol MFU officers are working in the Identified Offenders program. The pilot Identified Offenders program involving 60 nursing facilities in several counties ended, however the name-based background checks for nursing facility residents is statewide. Todd also mentioned the need to work on improving communication with nursing homes, and that development of better recordkeeping regarding incidents, thus taking liability pressures off the nursing homes.

The new MFU Commander is Bill Sheridan.

### **State LTC Ombudsman Program Report**

Sally Petrone stated OAA Ombudsman services will no longer be an allowable use of CMP funds. The program, in order to receive CMP funds after 9/30/2012, will need to develop a proposal on specific projects that OAA funds are not used to meet the CMS guidance memo distributed.

Neyna reported on the MFP program. 907 referrals have been made by Ombudsmen. 90% of residents preferred not to enroll in MFP. A new MFP website and brochure is being developed. The Ombudsman program should pursue other revenues, like CMP dollars to help residents transition to the community. Neyna has developed a draft annual report which will be distributed statewide.

**Action:** The Council reached a consensus that the LTCOP should pursue other funding options linked to MFP and/or CMP, and keep the Council informed of anything that emerges. The Council shall offer support of such findings.

Council member Mitzen made a motion to ask Director Holton to request representation from the Long Term Care Council to be on the Long Term Care Committee. The motion was seconded by Margaret Neiderer, the motion carried.

The Council recommended that Sally talk to Director Holton and meet with Toni Colon from Illinois Department of Public Health. Sally stated that she already has a meeting set with Ms. Colon.

### **Public Forum at the Elder Rights Conference July, 2011 Report**

Lee gave a report in Tami Wacker's absence. A second public forum was held.

**Action:** Tami prepared a draft report and had sent it to Lee Beneze. Lee will send to Council members within the next thirty days for review.

Lee suggested another forum be held at the 2012 Elder Rights Conference and possibly at the 2012 Governor's Conference. Dave recommended a change in the format for future forums – possibly having the legislators be the panel and/or last of the testimonies given.

### **Reviewing the Draft Report on Location of the Ombudsman Program**

**Action:** Lee will send copies of the draft report to the Council members by the end of January.

### **Briefing: Federal Court Consent Decree in Colbert Case**

[http://www.equipforequality.org/news/pressreleases/december\\_20\\_2011illinois\\_residents.php](http://www.equipforequality.org/news/pressreleases/december_20_2011illinois_residents.php)

Lee reported that, on behalf of the Council, a letter of support of the Colbert consent decree had been sent to the Governor. Dave provided the Council with a summary of the case which addressed long-standing and unnecessary segregation of people with physical disabilities and/or mental illness in nursing homes, bringing attention to the issue of not enough services available. This consent decree only applies to Cook County, estimating over 13,000 nursing home residents will be transitioned out.

### **Discussion: Identifying and Recruiting New Members**

Lee reported seven new members have been added recently. The membership list is being updated and will be posted on the website.

### **Discussion: Preparing the Next Annual Report**

Lee reported. The FY2010 annual report covered five years, FY2005-FY2010. Lee has been working on compiling data for the FY2011 period.

Margaret suggested that such Committee review current Council goals while writing the report, and include Ombudsman Program data.

**Action:** Lee will send the draft annual report to Long Term Care Council by February which can be used as an educational handout when visiting legislators.

### **Legislation**

Per Sharon Woods, HFS is opposed to SB 2574. Requests to strike portion of Sec. 3-405 of IL 305 ILCS 5/5-1.1 (i) Nursing Home Care Act. Sally then brought up amending SB 2574 to add “the Regional LTCOPs” to receive involuntary discharge and transfer notices. Matt Hartman said he’d take it to his membership.

**Action:** Margaret made a motion that the Council recommend that appropriate acts be amended to require nursing facilities to forward IDTs notices to Regional Long Term Care Ombudsman Programs at the same time resident notifications are sent. Motion seconded by Dave. Motion carried.

HB1712 update on the October Veto Session, including the Amendatory Veto of the “Excluded Powers of Attorney” Legislation. Lee stated that this amendatory language is likely to be back next year with same or similar language. Lee will keep an eye out for it, and will notify the Council if it is filed.

**Action:** Margaret made a motion that the Council stand by its prior standing to oppose the bill unless it has dramatic changes. John England seconded the motion. The motion carried.

### **Discussion of IALTCO’s Legislative Initiatives**

Regional Ombudsman Jamie Fleshi reported by phone and on behalf of Tami Wacker. Proposed advocacy items included prevention of further cuts in LTCOP program, support of the bed tax, and that pharmacists be independent of the nursing facilities. Tami is preparing letters to send to legislators making funding the priority in GRF funds \$2.5 million is the ask by IALTCO for FY13 LTCOP budget and is the same budget that was prepared by Sally Petrone.

## **Discussion of 2012 Legislative Agenda and Possible Council Initiatives**

Items mentioned included AARP agenda, budget, Ombudsman and Community Care, expansion of CCP services, healthcare exchanges, financial security, and utilities.

Lee asked the group if, looking at the fact that there is a variety of bills out right now, should the Council consider this to be the first year of being more aggressive and supportive? Phyllis stated that it is essential to have the Council's support. Dave asked if the group wanted to establish the Ombudsman program or the Council as the leading voice on the issues.

Dave Vinkler stated that the MFP funding is used for ADRCs in Texas. He encouraged engaging the Department of healthcare and Family Services in MFP discussions.

Margaret made a motion that the Council strongly support the Ombudsman Program first with a \$2.5 million budget and that the State Ombudsman consult with AARP and other partners to gain their support. Dave Vinkler seconded the motion. The motion carried.

Some items of legislation were moved to be covered at the next meeting.

## **Old Business: Review of Prior Action Items**

Margaret asked for assistance on reviewing regulations. She asked where to go to get a handle on decisions and rulings, and who supports what. Dave suggested going to the Flinn Report (Published by the Joint Committee on Administrative Rules). The Flinn Report contains summaries of proposed and promulgated state rules. He also suggested that when agencies such as Public Health are submitting rules for their programs they and others should inform the Council.

Margaret made a motion that any member on the Council who becomes aware of any rules that affect issues of the Council, should notify the Council. The motion was seconded by Matt. The motion carried.

## **Other Old Business**

There was no other old business.

## **New Business**

The Council agreed that a letter should be prepared and sent to the Governor to address minimum nursing facility staffing levels as well as IDPH staffing shortages.

## **Upcoming meeting dates**

The next meeting of the Council will be held on April 17, 2012 at 10:00 a.m. in the Savanna Room located in the Department of Natural Resources Building at One Natural Resources Way (located on the north end of the State Fairgrounds), in Springfield, Illinois.

July 17 and then October 16 are set for tentative future dates.

## **Announcements and Information for the Good of the Council**

Margaret shared a recent article about Marie-Therese Connolly, Director of Life Long Justice, who is campaigning to raise awareness about elder abuse.

## **Adjournment**

The meeting adjourned at 2:30 pm.