

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

Attending: Lee Beneze (Outgoing Co-Chair), Ben Brown, Margaret Niederer, Neyna Johnson, Sharon Woods, Eva Hall, MSGT Todd Trautvetter, John England, Rick Dees, Doree Vetter, Tami Wacker (Incoming Co-Chair), Lesley Grobe, Mary Riesling, and Kitty Watson.

Attending via conference call: Matt Hartman, Ann Ford, Pam Edelman-Sall, John Hosteny, Phyllis Mitzen

Absent: Sally Petrone, Robyn O'Neill, Dave Sutor, Kevin Taylor, Tony DelGiorno, Pat Comstock, Myrtle Klauer, Gwen Diehl, Dave Vinkler, and Rebecca Harshberger.

Recorder: Kathy Seketa

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

Matt Hartman attended the meeting on behalf of Pat Comstock.

Lee opened the meeting with two announcements. The first being that this would be his last meeting, he is retiring May 16, 2012 and the second that Sharon Woods would be retiring on June 1, 2012 – after 31 years.

Approval of Prior Meeting Minutes - Margaret Niederer mentioned that the attendees listed were not divided up to reflect those physically present at the meeting and those present via conference call. Lee asked for a motion that the minutes be accepted with the note that future meeting minutes show such division. Margaret made a motion to accept the minutes with the note, Sharon Woods seconded the motion. The motion carried.

Filing Confirmations of the Required Ethics Training - Lee Beneze mentioned that all members of public bodies have to go through the on-line training. Lee said he would send out the web site address. Those on a qualifying Board have until 2013 to complete the training. Any new Board members will have 90 days to complete the training.

Guest Speaker – M/Sgt. Tony McClure. Illinois State Police (ISP)

M/Sgt. Tony McClure is the head of the Identified Offenders program. He gave an overview of the program. It initiated out of Chicago in April, 2010. The ID offender program addresses any crime against a person where there is a conviction. There is no time limit for the data base. The program was developed to assist in assuring safety of residents. ISP agents make visits to nursing homes, interviewing Administration and residents to verify information on registered sex offenders residing in the facility. M/Sgt. McClure said all sex offenders need to be in a room by themselves and within a certain distance to the nurses' station. It does not matter how old the offense is. The sex offender can share a bathroom. M/Sgt. McClure stated that prior to 1996 there was no requirement to register. Facilities are to run a background check on sex offenders each time they enter a facility unless it is the same facility and within 30 days. Some facilities will not accept sex offenders.

ISP has a second Identified Offenders registry. The UCIA system hosts residents of Illinois only offenses that have occurred in Illinois at this time. The UCIA system is a fingerprint registry; requests are received from law enforcement only. A pilot program was conducted in a small area (two counties) of Illinois. The program ended 1/31/2012. ISP found 60 outstanding warrants of nursing home residents. They ranged from 18 – 64, and were patients transferred in from out-of-state. Caseload increased by 33%. A summary report is being prepared by Illinois Department of Public Health (IDPH) on the data collected. HB 5008 refers to live scan fingerprint usage and a fee scale.

State Agencies Reports

Rick Dees, IDPH – Rick stated their headcount was 59 new positions – they were able to expand their field staff. They are having cash flow issues right now.

He mentioned that the last Long Term Care Advisory meeting was rescheduled to May 17th due to lack of a quorum. Items IDPH will be addressing include the Rules of Sub part S – expansion of regulations, safe patient handling, CNA training curriculum, incident reporting – i.e. death of a resident, and staffing regulations. Rick stated that JCAR had some issues with Rule 9927 so it is being addressed.

Rick mentioned that there are 37 bills being addressed right now, some addressing nursing home reforms. SB 2554 addresses reporting of all nursing home deaths to IDPH – IDPH has no staff for it. HB5849 addresses federal deficiencies, in particular addresses internal reviews of Class A violations – is in the Senate now. The initial bill included another layer of review-looks for change to management review, but there is already one in place. SB 3499 – allows the nursing homes to pay 65% of penalty – added in SB 326. HB5633 – there is a meeting today at three pm in Rep. Smith's office in the Stratton building, to discuss the bill which is an attempt to limit access of the advocate and infringe on clients confidentiality to have an advocate. Tami Wacker said she would attend the meeting.

Sharon Woods HFS – Sharon provided Supportive Living update figures:

- 134 SLFs with 10,412 apartments, of the 9588 residents, 5812 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 August services had just been paid, and the ICP Service Package has been delayed until September 1, 2012.

Dorree Vetter IDVA – Dorree mentioned that a new Veterans Affairs (VA) building will be built in the Chicago area; bids are being taken right now. There will be a rate hike for new patients - \$929.00-\$1,429.00.

She said that few are 100% disabled, and the social workers of nursing homes are saying they have to apply for both Medicare/Medicaid. Some of the older ones have never had either.

A suggestion was to write to the Federal VA about having a speaker at a future ILTCC meeting to address comparisons between State and Federal VAs.

Action: Sharon said she would forward Tami Wacker speaker contacts for the Federal VA.

Mary Riseling was welcomed as the new Secretary of State representative for Illinois Long Term Care Council (LTCC).

Action: Request for Lee Beneze to send out a new list of ILTCC members.

State LTC Ombudsman Program Report

Neyna Johnson stated that some facilities have filed bankruptcy and Sally Petrone has been appointed by the US Trustee Office to be the Patient Care Ombudsman. Oak Terrace in Springfield and Rosewood Care in Swansea are two of the facilities.

CMS has decertified All Faith Pavilion in Chicago and IDPH plans on revoking their license on June 01. There were 195 residents in this facility; 145 have been moved out. The facility is appealing the decision.

Good Samaritan in 03 is doing a voluntary disclosure. Decertification is expected on April 26th. A questions was raised as to whether Illinois had passed a law the states that IDPH should be notified if a nursing home is going to close. Sharon Woods said they require a 90 day notice.

New Money Follows Person (MFP) allocations are on hold. Illinois Department on Aging's (IDoA) fiscal department stated that it will be a while before the funds are released due to the back log of payments. Referral numbers are down considerably.

There will be a 2-day training at the Department of Natural Resources (DNR) building. Judy Wilhide Brandt will present on "What Advocates Need to Know in Dealing with Medicare." Sharon Woods will co-present on day two on "What Advocates Need to Know in Dealing with Medicaid."

The Elder Rights Conference will be held July 11, 2012 at the Marriott in Schaumburg. The registration fee can be waived for any ILTCC members that would like to attend.

HB5098 – the Illinois Law Enforcement Training & Standards Board (ILETSB) comes up tomorrow at 9 am. ISP stated they already have 6 hours of elder abuse training in their basis program.

Reviewing the Draft Report on Location of the Ombudsman Program

Action: Moved to the next meeting.

Draft Annual Report

Lee Beneze said he has not been able to keep the original timeline set at the prior meeting due to the multitude of things that needed to be addressed prior to his fast approaching retirement date. He said a rough draft had been prepared and sent to members; and the original and edited file has been given to Tami Wacker.

Action: Tami is accepting any recommendations for changes. One suggestion was to put a mission statement at the beginning. Another was to put in the purpose of the Council – something inspirational – something that validates the group.

Action: A committee was created with Margaret, Kitty Watson, and Tami – open to suggestions from the group regarding the Annual Report contents.

Other Business

Margaret Niederer brought up that the Ombudsman White Paper had not been addressed.

She also mentioned a letter she sent which listed issues she brought up, and that she has not received any response.

Action: Margaret will e-mail out copies of the letter to the Board members.

Legislation

Lee gave a brief status of the following bills:

SB3204 – POA revisions – has not moved. May 4th is the deadline for committee movement.

HB5653 – Enhancing Criminal Prosecution of Elder Financial Exploitation – pending. Erases paid vs. unpaid caregiver in prosecution; changes amount that can be frozen to amount alleged to have been financially exploited. In Senate Criminal Law Committee – up on April 18th at 9 am, in room 212. Todd Troutvetter stated that under Article 36 this can be done already.

SB2894 – Public Guardianship Restructuring – Abolishes Public Guardianship positions, that the State Guardian would take over. It is Silversteins bill – amendments are pending.

HB5019 – Monitors in Long Term Care facilities – has passed the House and is up for its first reading in Senate today. The bill also asks that monitors share reports with facilities-need to share so facilities can come into compliance. Amended language is already out and up for recommendation.

SB3483 – PNA increase – dead in the Senate.

HB5009 – Nursing Home Resident Bracelets – has passed the House, up for its first reading in the Senate today. Dignity issue.

Action: Lee said he would get the latest bill amendments to the Council members and he encouraged everyone to take action.

Old Business: Review of Prior Action Items

Margaret mentioned that the IDoA director had stated that he was going to share the minutes from the Long Term Care Committee and that the Long Term Care Council was going to provide the Directors with their meeting minutes.

Margaret also mentioned other reports and response letters that the Council had decided to address, that have not been addressed a time draft, a location report, a draft of the public hearings, and a response letter to the governor regarding staffing levels.

Margaret stated that the Administration on Aging held a conference which was limited to the number of people to attend. There needs to be a discussion on what happened.

She also said there should be a training held for new people interested in the Ombudsman program – like a half hour session; there should be a clarification of ILTCOs purpose; and the website should be updated.

AoA is now AoA for Community Living.

New Business

FOIA – Lee recommended ILTCO designate IDoA as ILTCO’s FOIA officer.

Action: A motion was made and seconded to have Tami prepare a letter of request to the IDoA director.

Announcements and Information for the Good of the Council

July 11-13 is the Elder Rights Conference – will be held in Schaumburg, IL. There will not be a Public Forum, it will be held at the Governor’s Conference in December.

Lee Beneze “State of the Council” report - Lee summarized the accomplishments of the Council over the past three years. He noted that the Council had made considerable progress, and hoped that the Council could continue to move in a positive direction.

Among other things, the Council had:

- completed its first ever Annual Report (which covered the first five years of the Council’s existence);
- adopted a complete revision of the Council by-laws;
- staged two successful public forums (both well attended and well received);
- created a strategy of influencing legislation;
- for the first time filed position slips in legislative committees on pieces of legislation;
- recruited ten new members to replace members who had left the Council, including the first representatives from several of the state constitutional offices;
- elected a new and outstanding Co-Chair;
- for the first time filed a letter containing the Council position on a settlement in a class action case in a federal court; and
- sought (while yet to receive) funding for the Council from the Department.

He also listed his disappointments in not being able to fully accomplish some other things. These included:

- on-going difficulties in getting the minutes out in a timely fashion;
- finding a fast and timely way of updating the Council website located on the Departmental website;
- inconsistent follow-up actions on Council resolutions;
- the need to find an effective way to use the compiled testimony from the public hearings; and
- the need have a more decisive and timely response to proposed legislation and rulemaking.

Lee added that he was not certain who (or when) the Director would appoint a successor Co-Chair. He expressed his confidence that Co-Chair Tami Wacker would continue to work closely with Council members to move the Council forward.

Lee closed by saying that he would always have great memories of working with all the members of the Council for the past three years, and that he was deeply honored to have had an opportunity to serve as the Co-Chair of the Council.

Adjournment

The meeting adjourned at 2:01 pm.