

**Minutes of the Meeting of  
the Illinois Long-Term Care Council  
October 16, 2012**

**Voting Members Present:** Tony DelGiorno, Ann Ford, Eva Hall, Director John Holton, Stephen Iden, Margaret Niederer, Sally Petrone, and Tami Wacker

**Voting Members Present via Conference Call:** John Hosteny, Phyllis Mitzen, Dave Sutor, and Dave Vinkler

**Voting Members Absent:** Pam Edelman-Sall, John England, Myrtle Klauer, Robyn O'Neill, and Wayne Smallwood

**State Agency Representatives Present:** Bill Bell, Mary Riseling(via conference call), MSGT Todd Trautvetter, Doree Vetter, and Kitty Watson

**Guests and Others Present:** Neyna Johnson and Deb Shipley

**Recorder:** Kathy Seketa

**Call to order:** Tami Wacker, Co-Chair, called the meeting to order at 10:00 am.

The meeting was opened with introductions of attendees and guests. Sally Petrone stated that the Illinois Department on Agings' Director, John K. Holton, will be joining them shortly.

Tami mentioned that Wayne Smallwood had been nominated and approved as a Board member, representing the Supportive Living Association; but could not attend this meeting.

**Approval of Prior Meeting Minutes** – Requested corrections to the July 17, 2012 minutes were as follows: move Matt Hartman from the Guest section to the Voting members Via Conference Call section; one addition on page two, paragraph four, starting with “Tami Wacker” .....new funding “for Public Health staff”; “A motion” was changed to “The motion” in the FOIA section; and “because of laws and regulations requirements” was added at the end of the Co-Chair section. Eva Hall made a motion to accept the July 17, 2012 minutes with the mentioned changes. Stephen seconded the motion, the motion carried.

**State Agencies Reports**

**Bill Bell, Illinois Department of Public Health (DPH)** – Bill mentioned that his presentation for this meeting was requested to be postponed until the January meeting.

Bill gave an overview on status of Rules IDPH has been addressing:

*Smart Act – Public Act 97689*

The staffing ratios were adopted on 9/30/2012 and have been posted in the Register. They are still working on Informed Consent. (Bill read a portion of the Act to the group.)

Tami asked Bill if the facilities know of the changes and if IDPH is still looking at staffing sheets when they go in for reviews. Bill stated that they ask the facilities how they are meeting their staffing requirements, and the reviewers look at care items. If there looks to be problems, then the reviewers look at staffing sheets.

Margaret asked if the 25% rule included personal care – the response was “yes.”

*Subpart S*

Still being worked on, there is a meeting scheduled on 10/24/2012 from 10-12 , to hopefully finalize a proposal.

*Rules on Safe Patient Handling*

These were added to the Rules at the 2<sup>nd</sup> notice.

*Rules on increased requirements on death reporting*

Tami asked that Bill make sure that Illinois State Police (ISP) has input.

Bill mentioned that the IDPH complaint number is 1-800-252-4343.

*Assisted Living Code*

Bill said the area on assisted living licenses was being cleaned up. The ICFPP Rules are being pulled out and made into its own Act, separating from IDD – Community Care Act. There are some differences between the two – a workgroup has been formed to develop a proposal.

*SMURF Act – Subpart T*

A workgroup is looking at the role of Subpart T and IMD – looking to forming their own regulations.

Sally Petrone asked if IDPH has hired any new surveyors. Bill stated that ODPH received money from the increase in bed tax; they were moving forward with hirings, but a freeze has been set under the union to prevent the hiring. They were able to hire a few, but they also lost a few.

**ACTION ITEM** – Tami asked Bill to please e-mail a list of active surveyors and openings.

**Doree Vetter IDVA** – Doree mentioned that they still working on the new Veterans Affairs (VA) building in the Chicago area. No funding has been received yet; they have yet to be able to open the project up for bid.

**MSGT Todd Trautvetter ISP** – Todd mentioned that ISP has been working extensively with IDPH on criminal investigations of suspicious deaths.

Tami Wacker mentioned that ISP representatives have come to their agency and spent time showing the staff different things to look for when going into a facility.

Sally Petrone stated that Jamie Freschi, from ICARE, presented along with ISP at this years’ TRIAD conference on this subject and received a huge response. Jamie is also conducting a presentation at the Governor’s conference.

Neyna Johnson asked about a Coroner Death Review Task Force – there used to be one; does it need to be resurrected? It was mentioned that the group had staff and time obstacles.

Tami mentioned Sexual Assault Review Teams, and the possibility of bringing the two teams together to review cases.

**ACTION ITEM-** Bill Bell volunteered to work with Tami in combining Coroner Death Review Task Force members and Sexual Assault Review Team members into one Team.

Director Holton mentioned the National Violent Death Review program, and gave some background on how it became a nationally known.

**ACTION ITEM** -Tami recommended the Council to ask that the Department on Aging to develop a strategy for implementing Death Review teams in all counties. A report is to be given at the January 15, 2013 meeting. Findings are to be used to develop Death Review plans for residents in health care facilities. Tony DelGiorno made a motion as such, Ann Ford seconded the motion, and the motion carried.

Tami mentioned that it may be helpful to get an updated report from the Attorney Generals' office on what is going on; maybe go back to the original players and see what obstacles they faced.

Bill also mentioned that the Department of Corrections (DOC) had been approached by the Governors' office about having a private facility of affirmed convicts. The idea is that terminally ill lifers can collect Medicaid if outside a DOC facility. Other ideas included a facility having a wing or a floor designated to ID offenders. Discussion is ongoing at this point.

**Kitty Watson Illinois Treasurer's Office** - Kitty distributed an "Acronyms and Commonly Used Terms" list to the group. She said it is a work-in-process and to send her an e-mail if there are any additions.

**ACTION ITEM** - Kitty offered to be the point person for the Council to work with IDoA to have this listing put on the IDoA website. Director Holton accepted the offer.

Bill mentioned that IDPHs' new director, Director Hasbrook, wants to improve their website also. If anyone has any recommendations please let Bill know.

### **State Long Term Care Ombudsman Program Report**

Sally Petrone distributed "2013 LTCOP Regional Ombudsman Program Benchmarks." She mentioned that an additional \$1 million dollars in GRF funds and \$1.25 million in bed tax funds has been approved in the 2013 budget. These funds will be earmarked to assist in increasing staff and infrastructure of the LTCOP program. Sally said there would be no CMP funds available for 2013; the LTCOP would see an overall gain of \$1.5 million statewide.

A question was raised as to paragraph #4 – Improvement in Quality – how will quality be measured? Everything else has been quantitatively mentioned.

Sally stated that a spreadsheet will be developed for every Regional program, which will be monitored on a regular basis. 2-4 contractual people will be hired to assist Sally and Neyna in the office, in addition to Jessica and Grace who are already assisting with the LTCOP. Sally said she hopes to be able to get a statistician, Dr. Marsh from University of Illinois, to help analyze the spreadsheet data. She also wants to

hire an individual for public relations and marketing of the LTCOP. Sally stated that complaint investigations will continue to be #1 priority.

Sally shared a Strategy Brief she wrote on the Homes Care Ombudsman Program on September 6, 2012. It expands the role of ombudsmen in that the ombudsmen are allowed to follow clients from the nursing home to the community- it lengthens the timeframe for the client to received long term care services.

Sally handed out a “Consumer Voice” flyer and a “Support Senate Bill 3604” to share. She said SB3604 goes along with SB326; she said she will sign on as supporting for the Council.

The reauthorization project is still being drafted; there is the question of elder abuse and ombudsman programs working with a resident – working on behalf of and in the best interest of the client.

**ACTION ITEM** –Sally suggested a workgroup be formed from ILCC to go through and analyze the proposed Bill. John Hosteny and Steve Iden offered to be part of the workgroup. Ann Ford made a motion for the formation of the workgroup, Tony seconded the motion; the motion carried.

John asked about getting a gypsy intern from UIS for the marketing project. Sally stated that it was too late for 2013.

Margaret stated that the Council needs a committee for the Ombudsman program, Legislation, and one on Managed Care; and that the committee members could be made up of other than Council members.

### **State Long Term Care Ombudsman Program Report – MFP**

Neyna Johnson distributed a report on MFP/Pathways to Community Living report. The report included information regarding the recent drop in referrals. More discuss will follow at next Council meeting.

Director Holton mentioned the Colbert Consent Degree, which came into effect and is to begin in December, but as of now no one has an answer as to how it will affect people outside the Cook County area.

Director Holton also discussed the upcoming Managed Care plan - the combining of Medicare and Medicaid eligibles which is to begin in April. There are a lot of unanswered questions as to how this new system will create a comparable and better service. Other states have been utilizing a Managed Care system for delivered goods.

**ACTION ITEM** - Director Holton asked that Managed Care be put on the next meetings’ agenda, that he would have a briefing paper to share. It will be a draft version, and will include charts and maps to reflect how MFP fits into costs.

Director Holton said he believes the Council should be in the forefront to advise the state, and that it is important to make sure the people in nursing homes are not forgotten in the Colbert move to put people back in the community.

Tami asked Director Holton what he thought of meeting more often. He thought they could have a special meeting at the Governor’s conference – on December 12<sup>th</sup> from 2:00 – 4:30. It would be a public forum.

**Co-Chair** – Director Holton addressed the vacant co-chair position of the Council. He said he had received the letter from the Council recommending Tony DelGiorno as co-chair. The Director stated that he wants to be actively involved, as Chair or Vice-Chair – as the Council sees fit.

Kitty Watson suggested the Council meet every other month to be able to cover items more expediently, and maybe the meetings won't last as long. Margaret suggested moving this item to New Business to be addressed in the future.

### **Outstanding Issues**

Tami stated that a small workgroup met to review a long list of outstanding ILTCC issues. A list was distributed for the group to go through. They were as follows:

1. Reintroduce letter to the Director of IDPH which supports the development of an IT Unit for the Office of Health Regulations. A copy of the draft letter was distributed and accepted to be sent after few changes; Tami will send it out.

Items 2-3 are inactive

4. Draft revisions of the Ombudsman portion of the Illinois Act on Aging to the Council.

**ACTION ITEM** – Tami recommended that the Council recommend a letter be prepared and sent to the Director of IDoA requesting that Lee Beneze's position be filled ASAP. Tony made a motion to accept the recommendation, Margaret seconded the motion; the motion carried.

Margaret stated that she felt Lee's representation was a conflict of interest; she wanted a motion as to assurance from IDoA that the Ombudsman program would have council without conflict. Tony stated that the only way to get away from conflict would be to have an attorney on the Council from elsewhere than IDoA. The motion did not pass.

Item 5 is inactive

6. Detailed report of MFP be presented to Council. Item was completed at today's meeting.
7. Look to regional programs to utilize a recruitment and retention strategy for volunteer ombudsmen.
8. Follow-up on letter sent to prior IDoA Director Johnson, requesting \$4,000.00 for expenses of ILTCC.

Items 9-11 are duplicate/inactive

12. Development of a white paper on the ombudsman program – Phyllis completed and sent out a copy of one. This item is tabled for discussion until 1/15/2013 meeting.
13. Margaret Niederer was asked to chair.

Items 14-15 are inactive

16. Made part of Margaret's committee formed in item #13.
17. Margaret will get a letter to Tami.

Items 18-20 are duplicate/inactive

21. Letterhead issue resolved.

Items 22-34 are inactive

35. Kitty Watson developed an acronyms listing.

### **Website**

The website is looking better - it has been updated recently.

### **Ethics Training**

Tami said she sent an e-mail to IDoA legal council to see if they had received any of the communications of completeness for any of the Council members still outstanding.

**LTCOP Volunteer Recruitment** – John Hosteny reported on volunteer recruitment. He stated that he is working with RSVP to expand their impact and to engage older adults 55+. John is looking to connect ombudsmen in each of the service areas with the RSVP program. He said he has encountered a few legal obstacles. Tami asked about MOU for just the Ombudsman program, and John said he thought that might work. Also suggested was the development of tools such as webinars and mentors to be utilized to educate the volunteers.

***ACTION ITEM*** – It was suggested that, when a Council member makes a formal recommendation, that that person be the lead to address the situation. Steve cautioned that this might suppress some people from speaking up.

John also suggested that, at every meeting, one Council member serve as a secondary recorder. That person's notes would be sent to the primary recorder. The job of secondary recorder would be in the hands of a different person each meeting.

Margaret stated that there is a need to look at the motions of each prior meeting and have them listed in Old Business to for the next meeting as there are motions made in the current year that have no recorded responses.

### **FY2011 Annual Report**

Tony made a motion to approve the FY11 annual report; Eva seconded the motion. Margaret stated that the goals have never been discussed. This item was tabled for the next meeting.

**Legislative Update** – Tami stated that a Legislative Committee needs to be formed that could prepare a timeline of action. Tami said she would be willing to work on this committee, Tony also offered; Steve said he would be able to offer restrictive assistance. Margaret thought IDoA's position on the legislative items should also be included.

**Public Forum** - Tami mentioned that a Forum will be held at the Governor's Conference on Thursday from 9:30-10:30 am. Public response to Managed Care services will be the topic of discussion. A committee needs to be formed to finalize questions, put together panel members, and set up a variety of testifications – maybe work with the Council on Aging.

***ACTION ITEM*** – Sally Petrone made a motion to focus the Forum on Managed Care, Margaret Niederer seconded the motion; the motion carried.

It was suggested to set up educational webinars for the Council members in-between the scheduled Board meetings. The suggestion was tabled to vote on at the next meeting.

**Adjournment**

Toni made a motion to close the meeting, Margaret seconded the motion; the motion carried. The meeting was adjourned at 2:25 pm.