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Illinois Long Term Care Council
Report

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The Authority and Purpose of the Illinois Long Term Care Council

The Illinois Long Term Care Council (the Council) was created in August, 2003, by Public Act 93-0498, which added Section 4.04a of the Illinois Act on Aging (20 ILCS 105/4.04a).

The purpose of the Council is to ensure high quality of care for persons aged 60 or older who need long term care in the continuum of care – from home care to nursing home care. The Council provides a forum for making recommendations on systemic issues affecting the continuum of long term care, and the efficacy of the State Long Term Care Ombudsman Program.

The Illinois Long Term Care Council makes recommendations concerning persons who need services in the continuum of long term care. This includes persons living in facilities licensed or regulated under the:

- (1) Nursing Home Care Act: Skilled Nursing and Intermediate Care Facilities Code, Intermediate Care for Persons with Developmental Disabilities Code, Sheltered Care Facilities Code and Illinois Veterans Homes Code;
- (2) Assisted Living and Shared Housing Establishment Code; and
- (3) Community services including Supportive Living Facilities, regulated under the Illinois Department of Health Care and Family Services through a federal waiver (89 Ill. Adm. Code Part 146), Adult Day Care and any other type of long-term care provided in a home or other environment

Introduction

The Illinois Long Term Care Council (the Council) applauds the major efforts of the Governor’s Nursing Home Safety Task Force in its endeavor to improve long-term care in facilities resulting in the passage of Senate Bill 362, signed into law on July 29, 2010, as Public Act 96-1372.

This newly enacted law includes: 1) systems to reduce the risks inherent in allowing offenders to be served in the same facilities as other people; 2) safeguards for the care and rights of people needing long term care who are mentally ill; 3) increased staffing and care safeguards; 4) penalties and other systems for improved enforcement; and 5) strict admission standards for persons requiring nursing home care.

However, history reminds us that nursing home laws and regulations have been strengthened every few years since the 1960's and yet there continues to be egregious instances of neglect and abuse. Clearly, it takes more than laws and regulations to protect frail and elderly persons who cannot speak for themselves.

To this point, the Council endorses the philosophy of the first United States Commissioner on Aging, Arthur Fleming, who in 1975 stated, while explaining the need for a long term care ombudsman program:

“Our nation has been conducting investigations, passing new laws and issuing new regulations relative to nursing homes at a rapid rate during the past few years. All of this activity will be of little avail unless our communities are organized in such a manner that new laws and new regulations are utilized to deal with the individual complaints of older persons who are living in nursing homes. The individual in the nursing home is powerless. If the laws and regulations are not being applied to her or to him, they might just as well not have been passed or issued.”

There are certain essentials that must be done to ensure that the laws regarding the safety of people in any long-term care setting are effectively enforced:

- oversight and regulatory agencies must be adequately funded and staffed;
- the Long Term Care Ombudsman Program must have the resources to recruit, train and retain volunteers in order to provide support to family councils and provide information on how to file complaints with the Illinois Department of Public Health; and
- there must be a complaint system that is timely and responsive to deal with the complaints of individuals who have face to face contact with people who are being provided long term care, often too sick or frail to speak on their own behalf.

However, this approach to complaint resolution system, where complaints originate with the residents and the families themselves, can only be effective if the public is informed and educated, and if there is a legislative commitment for adequate funding for advocacy programs. These would include the Long Term Care Ombudsman Program; protective services, such as the Elder Abuse and Neglect Program; and sufficient trained state staff charged with long term care oversight and monitoring.

The Council supports Illinois' efforts to re-balance long-term care by developing community resources, which will enable older Illinois citizens to have real choices in where they receive long term care.

The Council is committed to identifying and promoting the most effective ways to improve care in all aspects of the long-term care continuum. The Council is also committed to the development of ways to better protect the rights of vulnerable older adults.

2010 Report of Council Recommendations, by Statutory Mandate

Mandate I. Make recommendations and comment on issues pertaining to long-term care and the State Long Term Care Ombudsman Program to the Department.

- Supported bed fee legislation to fund the Illinois Long Term Care Ombudsman Program for all licensed beds and licensed intermediate care facilities for the developmentally disabled (ICF-DD)
- Recommended that funding options for the Ombudsman Program be discussed with the nursing home industry.
- Voted to support a mandated fee on nursing home facilities to provide funding for the Ombudsman Program to maintain the consumer choice reports, a mandated program.

Mandate II. Advise the Department on matters pertaining to the quality of life and quality of care in the continuum of long term care.

- Submitted written testimony to inform the Governor and the Illinois Health Care Safety Task Force of the need for increased funding for: 1) the Illinois Department of Public Health, for approximately 70 trained surveyors; and 2) the Ombudsman's Program need to restore forced staff reductions due to loss of Civil Monetary Penalty funds.
- Recommended that there be a consolidated website to connect state agencies responsible for the Consumer Choice reports on long-term care.
- Expressed appreciation to legislators for passage of SB326.

Mandate III. Evaluate, comment on reports regarding, and make recommendations on, the quality of life and quality of care in long-term care facilities and on the duties and responsibilities of the State Long Term Care Ombudsman Program.

- Endorsed the Governor's Nursing Home Safety Task Force's preliminary recommendations. Made additional recommendations to provide adequate funding for long term care programs and increased funding for agencies involved in the monitoring and in the protection of rights of persons in long term care, particularly the Illinois Department of Public Health and the Illinois Long Term Care Ombudsman Program.
- Voted to express gratitude to the Governor for signing Senate Bill 326 into law (Public Act 96-1372).

Mandate IV. Provide an opportunity for public input at each scheduled meeting.

- The Council, in collaboration with the Illinois Coalition of Mental Health and Aging, held a public hearing at the 2010 Governor's Conference.

2011 Council Goals, by Statutory Mandate

Mandate I. Make recommendations and comment on issues pertaining to long-term care and the State Long Term Care Ombudsman Program to the Department.

Monitor State agencies and support their efforts to have sufficiently trained staff and funds to carry out the mandated responsibilities of Public Act 96-1372:

- 1) that persons with a diagnosis of a mental illness have choices in where they can live and receive the services they need;
- 2) that the appropriate treatment, therapy and psycho-social services are provided to those people who choose to reside in a nursing facility;
- 3) that any person who poses a risk of harming themselves or others must be properly assessed in order to assure that they receive the appropriate level of service; and
- 4) that if a person who poses a risk of harming others resides in a facility that the facility ensures the physical and psychosocial safety and well being of all residents.

Monitor and comment on legislation that pertains to long-term care and to the State Long Term Care Ombudsman Program.

Continue to seek funding adequate to meet the responsibilities of the State Long Term Care Ombudsman Program.

Mandate II. Advise the Departments on matters pertaining to the quality of life and quality of care in the continuum of long term care.

Advise Department of Public Health and Health Care and Family Services to promote culture change (Pioneer Practice) in all facilities. Communicate to long-term care providers and facilities that the Council: 1) embraces the importance of implementing the culture of choice and autonomy proposed by Pioneer Practices; and 2) acknowledges the progress of facilities that have embraced Pioneer Practices or other culture change initiatives in providing quality care and enabling residents to lead a meaningful life.

Advocate for the Ombudsman Program and the Department of Public Health to have sufficient funds to carry out their mandated responsibilities under Public Act 96-1372.

Mandate III. Evaluate, comment on reports regarding, and make recommendations on, the quality of life and quality of care in long-term care facilities and on the duties and responsibilities of the State Long Term Care Ombudsman Program.

Work with the Department of Public Health and the Ombudsman program to identify data and information gaps in annual reports from state agencies involved in long term care, to identify issues that require further action. The Council will then bring these issues to the attention of the appropriate agencies.

Monitor actions taken in response to the Older Adults Services Advisory Council (OASAC) strategic plan, and in response to the law suits and take appropriate action as necessary.

Mandate IV. Provide an opportunity for public input at each scheduled meeting

Invite public participation as an agenda item at each meeting. The Council will reach out to the public to invite participation. The Council will meet in locations that enable the public to participate.

In addition, the Council will:

- Review and make recommendations to the Ombudsman Programs' efforts to train and retain volunteers.
- Review and make recommendations regarding the legal services necessary for an effective Ombudsman program to protect the rights of residents.
- Advise the Department on the establishment of a system for handling financial exploitation complaints.
- Advise the Department on revising and filing Long Term Care Ombudsman Program regulations with the Secretary of State to comply with federal and state laws.

History of Council Recommendations, 2004-2009, by Statutory Mandate

Since its first meeting in September, 2004, the Council has advised and made recommendations to the Department and other agencies based on its statutory mandates to improve the lives of people living in Illinois' institutions and to improve the functioning of the State Long Term Care Ombudsman Program. Following is a summary of the Council's past activities and actions, listed under each statutory mandate.

Mandate I. Make recommendations and comment on issues pertaining to long-term care and the State Long Term Care Ombudsman Program to the Department.

Council activities focused on stabilizing funding for the State Long Term Care Ombudsman program and assuring that both the Council and interested parties had the tools necessary to carry out their mandate to protect vulnerable people in facilities.

Mandate II. Advise the Department on matters pertaining to the quality of life and quality of care in the continuum of long-term care.

The Council made recommendations to the Departments of Aging, Public Health, Health Care and Family Service (HFS); to Illinois Association of Area Agencies on Aging; and to the Governor, on issues that have a direct bearing on the quality of life and care of people in long term care facilities in Illinois with a focus on increasing residents' personal needs allowance.

Mandate III. Evaluate, comment on reports regarding, and make recommendations on, the quality of life and quality of care in long-term care facilities and on the duties and responsibilities of the State Long Term Care Ombudsman Program.

The Council made recommendations and supported efforts to expand the scope of the State Long Term Care Ombudsman Program to serve all residents of licensed facilities in Illinois.

Mandate IV. Provide an opportunity for public input at each scheduled meeting.

The Council increased its meetings from three to four and requested that relevant information about the Council be included on the IDOA website.

Conclusion

The Illinois Long Term Care Council adopted this Report on December 1, 2010.

For additional copies, for further information, or to submit comments and questions about this report, please contact:

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