

# FY 2011 Illinois Long Term Care Council Annual Report

June 2012





## **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
- (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

## **Council Mandates and 2011 Goals**

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

- A) 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) 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.

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

- A) 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.
- B) 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.**

- A) 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.
- B) Monitor actions taken in response to the OASAC strategic plan, and in response to the lawsuits and take appropriate action as necessary.

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

- A) Invite public participation as an agenda item at each meeting. The Council will reach out to the public to invite participation.
- B) 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.

## Legislative Activities of the Council

Throughout the year, the Council took stands on several major pieces of legislation by way of written correspondence with the Governor's Office. The Council's immediate future goal is to expand their role in legislation by establishing a stance and then submitting written testimony and witness slips when such legislation is called. Future issues that the Council wishes to participate in include, but are not limited to: raising the personal needs allowance for long term care residents, fully fund adequate staffing on surveyors and long term care ombudsmen.

A few of the issues that the Council did have activity on include:

- 1) Pursuant to a Council resolution, the Council requested of the Director of the Department on Aging \$4000 to support the operation of the Council. It was noted that the Council had never had any independent funding, and any potential additional expenditures (e.g., secretarial assistance) at this time could only come from the State Long Term Care Ombudsman Program.
- 2) In November of 2011, the Council filed a letter of support with Patricia A. Werner, Co-Counsel for the Class, in the federal district court case of *Colbert vs. Quinn* (United States District Court, Northern District of Illinois, Case No. 07 C 4737). The proposed settlement would only apply to residents in Cook County. The class action case goes to the right of non-IMD nursing home residents to receive appropriate services in all settings, including community-based programs. The consent decree was approved by the federal judge in the case in December 2011.

## New Member Recruitment

There was a focus throughout the year on rebuilding the membership of the Council. The Council has lost several long term members due to resignations and term limitations. The drive to recruit new members was successful, as over half a dozen new members were brought onto the Council.

## Archive of Records

The new co-chair, Tami Wacker, undertook to create a permanent, digital, indexed and accessible archive of Council records, including copies of past minutes, agendas and correspondence. There was considerable progress on creating this archive of Council records. The Council had several discussions of making these archived records available to the public as required by the Open Meetings Act.

## **By-Laws Revisions**

The Council adopted a set of major revisions to the Council by-laws at the March meeting. The revisions would allow the Council to discuss and adopt positions in teleconference or on-line meetings. In addition, the new by-laws would allow the Council to seek to declare as vacant the memberships of Council members who consistently failed to attend Council meetings.

## **2012 Council Goals**

Goals for the 2012 year include:

Stronger Role in Legislative Procedure

Continue Member Recruitment

Up-to-Date Council Information provided to public and members on Website

## Current List of Council Membership

### Public (voting) members:

*Stephen Iden – Springfield, Illinois*  
Attorney  
Land of Lincoln Legal Assistance Foundation

*Pat Comstock – Springfield, Illinois*  
Director of Legislation and Communication  
Illinois Health Care Council

*Pam Edelman-Sall – Chicago, Illinois*  
Jane Addams Senior Caucus

*John R. England – Jerseyville, Illinois*  
Former Family Council Member

*Ann Ford – Springfield, Illinois*  
Executive Director  
Illinois Network of Centers for Independent Living

*Eva Hall – Sullivan, Illinois*  
Family Council Member

*John Hosteny – Chicago, Illinois*  
Corporation for National and Community Service  
Representative from the Illinois Council on Aging

*Myrtle Klauer – Chicago, Illinois*  
Resident Services  
Illinois Council of Long Term Care

*Robyn O'Neill – Evanston, Illinois*  
Attorney  
Legal Assistance Foundation of Metropolitan Chicago  
Former Long Term Care Ombudsman

*Phyllis Mitzen – Chicago, Illinois*  
Health and Medicine Policy Research Group

*Margaret Niederer – Springfield, Illinois*  
Retired Educator  
Former Long Term Care Ombudsman

*David Sutor – Evanston, Illinois*  
Resident Family Member

*Dave Vinkler – Springfield, Illinois*  
AARP

### Designated representatives of State Agency (non-voting):

*Sally Petrone – Springfield, Illinois*  
State Long Term Care Ombudsman  
Illinois Department on Aging, (*ex officio*)

*Toni Colon – Springfield, Illinois*  
Deputy Director  
Office of Health Care Regulation  
Illinois Department of Public Health

*Gwen Diehl – Springfield, Illinois*  
Illinois Department of Veterans Affairs  
(Represented by Doree Vetter)

*Todd Trautvetter – Springfield, Illinois*  
Master Sergeant  
Medicaid Fraud Unit  
Illinois State Police

*Rob Lewis – Springfield, Illinois*  
Bureau of Long Term Care  
Illinois Department of Healthcare and Family Services

*Kitty Watson – Chicago, Illinois*  
State Treasurer's Office

*Mary Riesling – Springfield, Illinois*  
Secretary of State's Office

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

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*The Illinois Long Term Care Council is due to vote on the adoption of this Annual Report on July 17, 2012.*