

**Illinois Long-Term Care Council**  
**Meeting Minutes**  
**April 15, 2014**

**Voting Members Present:** Director John Holton, Tami Wacker, Sally Petrone, Margaret Niederer, Wayne Smallwood, Greg Wilson, Bill Bell, Marsha Johnson and Steve Iden

**Voting Members Present via Conference Call:** Dr. Carolyn Peck, John England and Phyllis Mitzen

**Voting Members Absent:** Myrtle Klauer, Ann Ford, John Hosteny, Jamie Freschi, Pam Neibuhr and Dave Vinkler

**State Agency Representatives Present:** Kitty Watson, Todd Trautvetter, Janene Brickey and Doree Vetter

**Guests and Others Present:** Neyna Johnson, Erin Davis, Lois Moorman, Michal Sutton, Tim Hameetman, Dave Sutor (on phone), David Libeyt, and Sharon Woods

**Recorder:** Kathy Seketa

**Welcome & Introductions**

Tami Wacker called the meeting to order at 10:05. Attendee introductions were made.

The minutes were approved after the recorder added Dr. Peck to the minutes, and corrected the spelling of Dave Sutor's last name.

**Family Member Reports**

None given.

**State Agency Reports**

Director Holton received a letter of support creating an Office of the State Ombudsman, and has been having discussions with the Governor's office. It will change the role of the State ombudsman. Director Holton would like to see the Council get together a list of candidates for State LTC ombudsman. Director Holton recently visited a nursing facility in Chicago that was located in a bad neighborhood. He reported it was so filthy he almost lost his shoes a couple of times. The Director wants all DoA staff to visits nursing facilities. Director Holton reported on the proposed 20% cut in the next fiscal year's budget. He doesn't see how DoA can implement upcoming programs with funding not coming in at levels expected.

Kitty Watson reported that a new judge, Judge Banks, has been assigned specifically to handle elder cases. The Office of the State Treasurer is trying to get more unclaimed property to the right owners.

Todd Trautvetter reported that Illinois State Police Medicaid Fraud have proposed to hire 10-15 new investigators. The number of investigators is at its lowest level in ten years.

Janene Brickey reported that the Department of Healthcare and Family Services is still working under a 1915 waiver while looking at what will need to be done to transition to an 1115 waiver. Questions remain on what is considered "community placement". Persons participating in the Supportive Living Program waiver cannot also receive Community Care Program services as this is considered double dipping.

Doree Vetter reported that Department of Veterans' Affairs has just started looking at the parallels of the waivers in the last couple of weeks. DVA is working on improving VA homes.

Wayne Smallwood with the Affordable Assisted Living Coalition has been busy with health care reform and looking at the 1115 waiver. He is also looking at innovative approaches to initiatives to Medicaid and Medicare issues, fee for services switch to managed care, and electronic health records.

Greg Wilson, Bill Bell and Steve Iden all reported that they are aware of all legislation proposed and are following its movement. Bill stated that Governor will propose adoption of updated Life Safety Codes. Question was asked if someone could attend an LTC Council meeting to give an overview of the changes. Doree said DVA already had theirs come out, and a sprinkler code is one being implemented. Question raised on how many facilities will be grandfathered in.

Margaret Niederer asked if DoA still gets reports on deficiencies in supportive living facilities from HFS. Co-chair Wacker said they request copies of what the complaint was, findings and corrective action put into place.

### **State LTC Ombudsman Program (LTCOP) Report**

Sally Petrone reported that the program received a grant for the Medicare-Medicaid Alignment Initiative (MMAI) demonstration in the amount of \$267,556 for a one year period. Illinois was the second state to receive such a grant. Ohio was the first. Three states, Illinois, Ohio and Virginia are participating in the demonstration. From November 2013 through January 2014, six stakeholder meetings were held, and three sessions presented at the December Governor's Conference on the demonstration.

Staff positions for the Deputy Home Care Ombudsman and Deputy Managed Care Ombudsman have yet to be approved by the Governor's Office. **Update:** The Deputy Home Care Ombudsman, Lyle VanDeventer, will start June 2, 2014.

MMAI grant applications have been sent to the program agencies impacted by the expansion.

Sally will distribute copies of the revised LTCOP Policies and Procedures Manual. A webinar will be held on May 12, 2014 to review the changes. Draft rules based on the revisions to the manual, and the MMAI expansion, are being finalized.

A copy of the recently drafted Home Care Consumer Bill of Rights was distributed to the Council.

Quarterly regional ombudsman trainings are being held quarterly. Weekly meetings are also being held with Harmony.

Margaret questioned conflict of interest, and was told by Sally that it is addressed in the Policies and Procedures Manual.

Neyna Johnson reported on Money Follows the Person (MFP). The federal Department of Health and Human Services is proposing to extend MFP through FY 2020 to enable states to continue to rebalance their long-term care systems and transition individuals to home and community-based services within the existing appropriation. The proposal would modify the demonstration to allow funds to be used to prevent individuals from entering an institution in the first place, as well as transition services. It would also reduce the institutional requirement from 90 to 60 days and allow skilled nursing facility days to be counted toward the institutional requirement. Lastly, the proposal would allow individuals in certain mental health facilities to transition to home and community-based services under the demonstration. A report was distributed showing the number of actual transitions to date and projected transitions. MFP Implementation Plan group continues to meet and also BIP.

Marsha Johnson said some of the problem is the need to increase the number of referrals. Margaret asked if the Council could be given a list of the facilities that are hold-ups in making transitions, and why we are still having problems. Neyna indicated it is a lack of transition coordinators. Margaret asked who is responsible for the coordinators. Response was that the Department of Healthcare and Family Services (HFS) is responsible. Janene said she will check into it further with HFS. Neyna said she will approach Lora McCurdy with HFS to speak at the next meeting about MFP. Margaret suggested a letter be sent to Lora asking for action and reports. Tami will draft a letter and send out to Council for comment.

### Legislation Update

Lois Moorman and Michal Sutton discussed a proposed amendment to the Adult Protection Services Act, SB 799. A handout was distributed that provided a synopsis of the bill. The amendment would make financial institutions mandated reporters. Lois pointed out that Illinois is a limited mandated reporter state. Lois stated that legislation passed four years ago requiring mandated training for employees of financial institutions who have direct customer contact on the indicators of financial fraud, abuse and exploitation, and how to report suspicions. At the time of the Council meeting, the bill was postponed with the Senate Human Services Committee until after break. DoA is doing intense outreach for support of the bill, and is looking for stories on persons that experienced financial fraud, abuse or exploitation who would be willing to testify on behalf of the legislation. Co-chair Wacker introduced a motion that the Council would support SB 799. Motion was approved. **Update:** The bill was again postponed by the Senate Human Services Committee, and did not make it out by the end of session.

Tim Hameetman provided a summary of legislation being tracked by the Office. Bill reported on HB 5703 which amends the Nursing Home Care Act and the ID/DD Community Care Act. Health Care Council of Illinois has been working on language and has come to an agreement. The bill would require the Department of Public Health (DPH) to make available, through its website and upon request, information regarding oral and phone intake processes and the list of questions that will be asked of the complainant. It also requires DPH to notify complainants that complaints with less information provided are far more difficult to respond to and investigate. Bill stated that out of the over 20,000 calls received

per year, only about 20-25% have any validity, and that often not enough information is gathered from the one-time call. **Update:** The bill passed both Houses.

Margaret introduced a motion to write a letter to the sponsor of HB 4580, Rep. Camille Lilly, to express concern and opposition. The bill amends the Health Care Worker Background Check Act and provides that the prohibition against a health care employer or long term care facility hiring, employing or retaining an individual in a position with duties involving direct care or access to living quarters or the financial, medical or personal records of residents, on account of the individuals conviction of committing or attempting to commit one or more of the specified offenses shall be for a period of two years following the date of conviction for a misdemeanor or five years following the date of conviction for a felony. Motion was approved. Co-chair Wacker will draft a letter. **Update:** The bill was re-referred to Rules Committee and did not make it out by the end of session.

Co-chair Wacker will send out information on the power of attorney legislation when she receives it.

### **Guest Presentation – IL Framework**

Nicole Gillespie and Ellen Hoffman with the Illinois Public Health Institute presented on Illinois Framework, and distributed handouts. The Framework is a multi-agency collaborative effort to share information. Its efforts will improve service coordination and lower costs to advance the health and well-being of Illinois' citizens and communities.

### **Old Business**

Margaret reported that she did not receive a response to a question she asked during the February LTC Council meeting about why Illinois is at the bottom of the heap based on a nursing home report card developed by Families for Better Care, an advocacy group out of Florida. Margaret wants DPH to provide a report showing statistics of why Illinois is ranked at the bottom. Margaret talked about Brian Lee, former Florida State Ombudsman fired by Florida Governor because Brian talked too much about assisted living. Brian now works for not-for-profit supported by attorneys that are doing studies on problems in Florida nursing and assisted living facilities. He compared deficiencies and Illinois received an "F", along with some other states. We have not had a good report of how many facilities are in this poor area. Need to ask DPH how many facilities have J, K and L deficiencies. Sally asked Margaret how she proposed looking at the facilities that have one star. Margaret suggested the LTCOP send the facility's corporate office a letter of need to change. Co-chair Wacker suggested that a committee meet to look at data and prepare recommendations for next step.

### **New Business**

When received, Wayne was asked to share CMS' decision on whether supportive (assisted) living meets federal regulations as a viable community placement.

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

There were no new announcements from LTC Council members.

The next meeting is July 15, 2014 at the DNR Building in Springfield. The meeting will begin at 10:00 a.m.

The meeting adjourned at 2:31p.m.

