

# **Governor Quinn's Nursing Home Safety Task Force**

**Michael Gelder, Chair**

## **PRELIMINARY RECOMMENDATIONS**

**January 14, 2010**

### **I. Improve the Pre-Admission Screening & Background Check Process**

1. Ensure that individuals have a care plan that facilitates their highest level of independent functioning in the setting most appropriate for that plan.
2. Improve existing training curricula that will prepare staff to conduct better client assessments and that will expand their knowledge base of community resource alternatives and the recovery philosophy.
3. Include a component identifying "risk of harm" to others for inclusion in the pre-admission assessment process.
4. Reassess nursing home residents' clinical needs early in their stay and when there is a status change, to ensure that they are in the most community integrated setting.
5. Hospitals will initiate the criminal background check at the beginning of the discharge planning process.
6. Require hospitals and nursing homes to electronically submit background check requests using the available on-line automated electronic system and discontinue the use of paper submissions.

7. Failure to initiate a criminal background check within the statutorily- required timeframes will result in sanction by the Illinois Department of Public Health (IDPH) without the need to prove “harm”.
8. Speed the completion of the criminal analysis process by acquiring the necessary information from the Clerk of the Court in the county where the crime was committed.
9. Illinois State Police will notify Illinois Department of Public Health, as well as the nursing home, any time the background check reveals an identified offender, and that for the period of time between identifying an offender and finishing the criminal analysis and resulting action plans certain precautions must be taken in housing the resident.
10. Authorize nursing homes to admit residents on a “provisional basis” when background check and criminal analyses are not available prior to admission.
11. Allow the criminal analysis on an identified offender to include both convictions and arrests in Illinois and out-of-state.
12. Direct Illinois State Police to conduct site visits of nursing homes to ensure compliance with identified offender action plans and to search for any residents with outstanding warrants.

13. Create a web-based data information system to allow nursing homes and state agencies to exchange information, including identified offender data on residents.

## **II. Raise and Enforce Higher Standards of Care in All Settings**

1. Require facilities that provide services to people with Severe Mental Illness (SMI) to obtain a newly-created certificate of compliance with state mental health standards
2. The state will employ additional surveyors assigned to regulate these facilities with appropriate training in mental health standards.
3. Provide DPH with greater authority to revoke the license of nursing homes that repeatedly violate state regulations. Allow Illinois Department of Public Health (DPH) to sanction and increase fines to nursing homes that violate certain regulations, without the obligation to prove harm to a resident.
4. Increase the nursing home fees to fund additional costs related to assuring the safety of nursing home residents by employing additional regulators, ombudsmen, and ISP staff.

5. Establish protocols for DPH and DFPR to report misconduct by nursing home administrators or other licensed staff.
6. Require health care institutions, professional associations, professional liability insurers, state's attorneys, and state agencies to report misconduct to Department of Financial and Professional Regulation (DFPR).
7. Enable DFPR to refer misconduct cases to appropriate agencies without violating confidentiality provisions.
8. Provide whistleblower protection to nursing home administrators who make good faith reports of alleged misconduct.
9. Require nursing homes to regularly train staff on how to provide appropriate care and treatment to all of its residents.
10. Increase minimum staffing requirements consistent with federal government studies on nursing home care.

### **III. Expand Home & Community Based Housing Options for People with Serious Mental Illness**

1. Expand transitional therapeutic models to serve as a step-down from nursing facility level of care, to help individuals prepare for transition to more independence.

2. Expand permanent supportive Housing options where tenants hold the lease and have full right of tenancy with support services on the premises, which can be accessed by choice.
3. Expand housing options with the support of the Illinois Housing Development Authority to assist consumers in sustaining and managing wellness and recovery.
4. Maximize federal financial resources for home and community-based options, using supported living waiver and/or Medicaid home and community based services waiver.

#### **IV. Issues still under consideration**

1. Determine how the Mental Health Code applies to nursing facilities and home and community based settings.
2. Should we establish specialized programs for people who are a risk of harm to others?
3. Should we establish specialized programs for people with serious mental illness?
4. How do we properly monitor use of psychotropic drugs for people with serious mental illness served in state-funded programs and settings?
5. How can we better assess an individual's potential for engaging in violent behavior?

6. How do we inform and empower the public about nursing home safety?