Nursing Home Safety Task Force

Meeting Minutes
Tuesday, October 20, 2009

I. Welcome, Michael Gelder, Committee Chairman

a. Committee chair Michael Gelder opened the meeting by stating the task force's goal of getting everyone to work together in order to ensure that those in nursing homes are safe and are receiving the care appropriate for the condition for which they are admitted. He reiterated that the unofficial motto of the task force is to assume that no one wants to run a bad nursing home, and that no one will be allowed to run a bad nursing home. Persons with mental illness, as well as younger and older people with disabilities are part of our society and we must protect them, but government can't be the only one trying to solve the problems, it must come from the community as well, which is why people have come to testify today. The website is up and running at nursinghomesafety.illinois.gov. Each agency on the task force and its representative was introduced and gave a brief description of their agency's role in nursing home safety and oversight.

II. Scheduled Public Testimony (3-5 minutes each)

- Troy Warfield, Resident, Greenwood Care (Evanston)
  - i. **Statement:** Mr. Warfield is suffering from, amongst other things, rheumatoid arthritis, and described how he was stabbed in the eye with an ice pick at his nursing home by a fellow resident who was a convicted felon, but who slipped through the pre-screening process, and was later stabbed by the same offender at another nursing home.
  - ii. **Recommendation(s):** He called for (1) a complete background check to be done before admitting a resident to a nursing home; (2) better training for staff.
- Nancy Flowers, Regional Ombudsman, Community Health Division Mgr, Evanston HHS
  - i. **Statement:** Ms. Flowers described the ombudsman program and its commitment to advocacy for quality care.
  - ii. **Recommendation(s):** She made 2 recommendations, including (1) reconsidering the placement of violent offenders in nursing homes, and (2) that screenings be completed prior to residents being admitted.
- Jennifer Walling, Chief of Staff for Sen. Heather Steans
  - i. **Statement:** Ms. Walling stated that 7th state district of Illinois had one of the highest percentages of mental health patients and nursing homes in Illinois, making up 15% of the total population. This burden has become a drain on resources as the local police receive 6500 calls per year, or about 20 per day on average. She described a situation in which a woman was no longer at her nursing home, but the facility continued to collect state funds.

    ii. **Recommendation(s):** She recommended that funding follow the patient and not a bed. She also stated the residents must have the right to discharge themselves from a nursing home.

- Monica Hammer, Office of Alderman Mary Ann Smith, 48th Ward
    i. **Statement:** Ms. Hammer stated that the 48th Ward also had one of the highest percentages of mental health patients in nursing homes in Illinois.
    ii. **Recommendation(s):** She recommended that (1) financial penalties be tougher, and (2) that repeat offender nursing homes lose their license to operate rather than just receive a fine or warning.
- Wendy Meltzer, Illinois Citizens for Better Care
    i. **Statement**: Ms Meltzer critized the current assessment and screening processes, particularly the Identified Offender Program.
    ii. **Recommendation(s):** Ms. Meltzer advocated (1) a more thorough pre-admission screening process and a better assessment of the actual health care needs of the residents, whether they be mental health care or otherwise and (2) nursing homes should be accountable for meeting the care needs identified.
- Mark Heyrman, Mental Health America of Illinois
    i. **Statement:** Mr. Heyrman stated that there are already many rules and regulations in place that are not being enforced, and that by focusing on implementing them, progress could be made. He also said that money could be saved by taking the mentally ill out of nursing homes and placing them with community health providers.
    ii. **Recommendation(s):** (1) Require compliance with the Mental Health Code that requires that a sign be posted on how to leave a nursing home if a resident desires and (2) more funding for community mental health services.
- Jennifer Thomas, Access Living
    i. **Statement**: Ms. Thomas emphasized that nursing home residents only get to keep $30 of their Social Security or SSI income; the rest is kept by the nursing home. This does not provide sufficient funds for residents to move back into the community. She also observed that nursing homes do not assist residents who want to move out and sometimes actively subvert their efforts. She was also critical of nursing homes for recruiting clients from homeless shelters.
    ii. **Recommendations**: (1) Increase monthly income clients can retain and (2) better require better discharge planning.
- Phyllis Mitzen, Health & Medicine Policy Research, Center for Long-Term Care Reform
    i. **Statement:** The state has a moral obligation to the elderly and the mentally ill.
    ii. **Recommendations**: (1) Comprehensive planning is needed to address the complex issues raised. (2) Appropriate assessments.
- David, Vinkler, AARP

    i. **Statement:** Nursing homes have duty but don't conduct screening prior to accepting residents and are not equipped to deal with violent offenders. Penalties imposed by Public Health are not adequate to serve as a deterrent.
    ii. **Recommendation(s):** (1) Nursing homes should not be housing of last resort, (2) penalties should be more meaningful for non-compliance, (3) money collected from fines should be used to fund programs, (4) legislation is needed to close loop holes such as a background check for offenses outside Illinois. (5) Seventy-five additional surveyors are needed to adequately monitor and enforce nursing home regulations.
- Tony Zipple, CEO of Thresholds
    i. **Statement:** Mr. Zipple pointed out that Illinois had a bias towards institutional services that raises costs, causes other problems and is not good from any perspective.
    ii. **Recommendation(s):** He listed four issues that needed addressing, including intermingling, spending, lawsuits, and results. He also stressed the need for further community-based service infrastructure and noted 4500 residents of IMDs was far too many.
- Arnie Kanter and Randy Walker, Barton Management
    i. **Statement**: Residents at Barton are not held against their will, and no one under 18 or over 59 years old is admitted to the facility. It is classified as a nursing home, but has all severely mentally ill patients. They are proud of what they do and serve an important function.
- Pat Comstock, Healthcare Council of Illinois
    i. **Statement:** The nursing homes worked to solve offender problems in 2002 and will continue to work collectively to solve the remaining problems. Called for a decision to be made in an informed way.
    ii. **Recommendation(s):** Everyone should work together to achieve a solution and information should flow more freely, especially out of IDOC. There should be a treatment safety net, there should be a pre-screening database, and background checks should be conducted for other care providers besides nursing homes.

III. Open Public Testimony

- Six people testified after submitting comment cards. Those presenting testimony brought to the task force's attention additional problems with mixing people with mental illness and violent tendencies with frail and other vulnerable residents. Testimony also asked for additional information to be posted throughout nursing homes of how to call for help in case of an attack or other emergency. Another provider who testified criticized the state for limiting group psychotherapy visits to two per week and criticized the assessment process for not interviewing the patient and instead based their professional judgment on the likelihood of violent behavior on the written record of their past history.

- Alan Lurie
- Barbara McGoldrick
- Violet Radwill
- Jamie Jimenez
- Karen Bond
- Steven Greenwald

IV. Comments by Task Force Members

- Each of the task force members responded to the testimony given, reiterating their agencies desire to achieve a positive outcome and thanking the Governor for convening this task force. Several members noted that they have had family members and loved ones living in nursing homes themselves and that they were invested in making nursing homes safe both professionally and personally.
    i. Housing Development Authority
    ii. Department of Human Services
    iii. Department on Aging
    iv. Department of Corrections
    v. Department of Healthcare and Family Services
    vi. Illinois State Police
    vii. Department of Public Health (phone)
    viii. Department of Veterans' Affairs (phone)

V. Closing Statements by Chairman

- Michael Gelder closed the meeting by restating the motto that the task force assumes that no one wants to run a bad nursing home, and no one will be allowed to run a bad nursing home. He announced that the next meeting is scheduled for Thursday, October 29, 2009, in Springfield, and that the location will be announced on the Website.