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**STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD**

LONG-TERM CARE FACILITY ADVISORY SUBCOMMITTEE

MEETING

JANUARY 31, 2012

ORIGINAL

NATIONWIDE SCHEDULING

OFFICES: MISSOURI Springfield Jefferson City Kansas City Columbia Rolla Cape Girardeau ■ KANSAS Overland Park ■ ILLINOIS Springfield

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STATE OF ILLINOIS
HEALTH FACILITIES AND SERVICES REVIEW BOARD
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761
217-782-3516

LONG-TERM CARE FACILITY ADVISORY SUBCOMMITTEE
MEETING

The meeting of the State of Illinois Health Facilities and Services Review Board, Long-Term Care Facility Advisory Subcommittee was held on January 31, 2012, scheduled to begin at the hour of 10:00 a.m., via videoconference, with participants located at 100 West Randolph, 9th Floor, Room 035, Chicago, Illinois, and 130 West Mason Street, Springfield, Illinois.

1 PRESENT:

2 Michael Waxman - Chairman
Eli Pick - Vice-Chair
3 Timothy Phillippe
Michael Scavotto
4 Nanya Johnson
Rick Dees
5 Teri Dederer
Phyllis Mitzen
6 Cecilia Credille
Carolyn Handler
7 Dave Lowitzki

8 ALSO PRESENT:

Frank Urso - HFSRB Legal Counsel
9 Courtney Avery - HFSRB Administrator
Michael Constantino - HFSRB Staff
10 Bill Dart - HFSRB Staff
Claire Berman - HFSRB Staff
11 Juan Morado - HFSRB Staff
Alexis Kendrick - HFSRB Staff
12 Greg Will
13 Pete Vaughn
14 Charles Foley
15 Jason Speaks
16

17 REPORTED BY:

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- 1 AGENDA
- 2 CALL TO ORDER
- 3 1. Welcome New Subcommittee member and HFSRB
- 4 Staff
- 5 2. Roll Call
- 6 3. Approval of Agenda
- 7 4. Approval of November 29, 2011 Meeting
- 8 Minutes
- 9 5. Public Participation
- 10 6. Open Meetings Act and Ethics Training
- 11 Update
- 12 7. Work Group Report and Discussion
- 13 8. Review of LTC CON Application
- 14 9. Other Business
- 15 10. Next Meeting
- 16 11. Adjournment
- 17
- 18
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- 24

1 START TIME: 10:06 a.m.

2

3 CHAIRMAN WAXMAN: I believe we have ten,
4 so why don't we do roll call? Or have we done that
5 enough for Dorothy to identify?

6 Dorothy, do you have everybody's name?

7 COURT REPORTER: I believe I have
8 everybody's name.

9 CHAIRMAN WAXMAN: I believe we have
10 counted we have ten voting members.

11 Frank, are we good?

12 MR. URSO: I think we do. I mean you've
13 got one, two, three, four, five here.

14 CHAIRMAN WAXMAN: And Mike says he has
15 five there.

16 MR. URSO: Do you have five in
17 Springfield, Mike?

18 MR. CONSTANTINO: Yes.

19 MR. URSO: Okay, we have a quorum.

20 CHAIRMAN WAXMAN: Okay. Then we are
21 officially --

22 MR. PICK: In session.

23 CHAIRMAN WAXMAN: -- in session. Thank
24 you.

1 I'd like to identify that Cece is now an
2 official member of the subcommittee. So, welcome.
3 We're looking forward to your valuable input.

4 We also have a new staff person who's
5 joining us today. Would you like to identify yourself
6 and your role, please?

7 MS. KENDRICK: I'm Alexis Kendrick. I'm
8 the compliance manager and legislative affairs manager
9 for the board. Been here about a month and a half.

10 CHAIRMAN WAXMAN: Okay. We appreciate
11 that and welcome to our meeting.

12 Okay. I need a motion to approve the
13 agenda.

14 MR. PICK: So moved.

15 MR. PHILLIPPE: Second.

16 COURT REPORTER: I'm sorry, you're going
17 to have to identify yourselves for now.

18 MR. PICK: Eli Pick moves to accept the
19 minutes.

20 CHAIRMAN WAXMAN: And I think I saw Tim.

21 MR. PHILLIPPE: Tim Phillippe, second.

22 CHAIRMAN WAXMAN: All in favor?

23 ("Ayes" heard)

24 CHAIRMAN WAXMAN: Any opposed?

1 (No response)

2 CHAIRMAN WAXMAN: Motion carried.

3 MR. PHILLIPPE: Excuse me.

4 CHAIRMAN WAXMAN: Yes.

5 MR. PHILLIPPE: We just want to -- we have
6 a new person walked in.

7 MR. DART: Teri Dederer just came in.

8 MR. PHILLIPPE: So you get their name in.

9 MS. DEDERER: Good morning.

10 CHAIRMAN WAXMAN: Welcome, Teri, wherever
11 you might be.

12 MS. DEDERER: Okay.

13 CHAIRMAN WAXMAN: Okay. I need a motion
14 to approve the minutes of the November 29th meeting.

15 MR. PICK: What did we just approve?

16 CHAIRMAN WAXMAN: The agenda.

17 MR. PICK: Okay. Eli Pick will move to
18 accept the minutes.

19 CHAIRMAN WAXMAN: I have a motion to
20 approve from Eli Pick. I need a second.

21 MR. PHILLIPPE: Second again, Tim
22 Phillippe.

23 CHAIRMAN WAXMAN: All right. We've got a
24 combination going here.

1 I have a motion and a second. All in
2 favor?

3 ("Ayes" heard)

4 CHAIRMAN WAXMAN: Any opposed?

5 (No response)

6 CHAIRMAN WAXMAN: The minutes are
7 approved. Thank you.

8 Anyone from -- anyone who is not a member
9 of the subcommittee wish to address this group? Any
10 public participation?

11 MR. DART: We have one here. Chuck. Mr.
12 Foley.

13 CHAIRMAN WAXMAN: Chuck, are you waving?

14 MR. FOLEY: I guess I'm the only one here
15 from the public.

16 CHAIRMAN WAXMAN: Okay, Mr. Foley, do you
17 wish to address us?

18 MR. FOLEY: If I could save my comments
19 for the end, I'd appreciate it.

20 CHAIRMAN WAXMAN: The end of what?

21 MR. FOLEY: The session.

22 MS. AVERY: Oh, is it pertaining to the
23 application?

24 MR. FOLEY: Yes, ma'am.

1 CHAIRMAN WAXMAN: That's fine.

2 MS. AVERY: Okay.

3 CHAIRMAN WAXMAN: We thought you had
4 general comments, Chuck.

5 MR. FOLEY: No general comments.

6 CHAIRMAN WAXMAN: All right. In that
7 case, I think we're up to Frank.

8 MR. URSO: Okay. What I'm going to be
9 handing out is a cover letter and set of instructions
10 to the members. This has to do with what is a new
11 mandate called the Open Meetings Act training, and
12 appointed members of public bodies now have to
13 complete this training. So that's basically what I
14 say on the first page.

15 And on the second page I hope they are
16 clear instructions on how you get to the electronic
17 training on the Attorney General's website. If at any
18 point you have any problems or questions, please call
19 me. I have worked through the entire process and got
20 to the end, so I know how to do it, at least once.

21 So, Mike, you should have handed that to
22 the members in Springfield, too.

23 MR. CONSTANTINO: Yeah, they have it.

24 MR. URSO: Do they have it?

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1 MR. CONSTANTINO: Yeah, they all have it.

2 MR. URSO: Okay. So what I'm asking is
3 that you complete this training, and at the end
4 there's a certificate of completion that you can
5 print, and after you print it and sign it, then send
6 it to me, please, so that I can keep a record if
7 anybody questions if this public body has completed
8 this training.

9 So our next meeting is tentatively set for
10 March 20th, so I made that the deadline. So if you
11 want to get it done and send it to me by e-mail before
12 that, that's great. If you want to hand it to me at
13 the next meeting, that's fine also.

14 MR. PICK: So we can scan and e-mail it to
15 you?

16 MR. URSO: Correct.

17 MR. PICK: Okay.

18 MR. URSO: Correct. So I'd appreciate it.
19 If you have any questions, just feel free to call me
20 or send me an e-mail. And I have that information on
21 the bottom of the first page.

22 We will also be doing ethics training
23 again. We'll do one at a time so we don't burden
24 anybody. So after we're done with the open meetings

1 training, then we'll start scheduling, and you'll have
2 some instructions in terms of the annual ethics
3 training that everyone needs to take. So I just
4 wanted to inform you about that.

5 MS. MITZEN: If we're on another
6 committee, do we need to do the ethics things over
7 again?

8 MR. URSO: The ethics training, if you're
9 on another board, then you need to send me the
10 certificate of completion.

11 MR. PICK: The Department on Aging just
12 sent this form out yesterday.

13 MR. URSO: Yes. So if it's another public
14 board then just do that. You can send me the
15 certificate of completion on the ethics training.

16 MS. MITZEN: Okay.

17 MR. URSO: And if you've done the open
18 meetings training from another public body, you can
19 send me the certificate of completion on that also and
20 that will satisfy the requirements.

21 So, thank you all.

22 CHAIRMAN WAXMAN: Any questions for Frank?

23 (No response)

24 CHAIRMAN WAXMAN: Hearing none, we will

1 move on to our work group report discussion.

2 Tim, I think this is falling in your -- I
3 want to say lap, but that's probably inappropriate, so
4 in your jurisdiction.

5 MR. PHILLIPPE: Sure. We only have met
6 one time since our last subcommittee meeting through
7 the holidays and also some of the projects we were
8 working on we were waiting for information.

9 And so what we accomplished at that
10 meeting -- the major focus was going to be on the
11 difference between operational beds and licensed beds,
12 but someone was very sick apparently that day, and so
13 we didn't get the information because it came up
14 suddenly, and nobody else was equipped to actually be
15 able to work on that.

16 So we actually spent most of our time at
17 the meeting on looking at the bed transfer through
18 buying and selling of beds. We were asked by the
19 chair if our work group would also take on that task,
20 and so we spent most of the meeting discussing that.
21 And Claire had organized some information for us
22 before the meeting about that, the history on that.
23 There was a white paper that described the work
24 between the associations on that idea, the concept,

1 and that we are just now getting started on really
2 moving forward on that project also. So nothing was
3 really done.

4 I have to say my first two meetings were
5 like free-for-alls of discussion, and I was so
6 concerned that we get a little more order in place,
7 and we had so much order people were afraid to talk, I
8 think.

9 MS. DEDERER: It was very quiet.

10 MR. PHILLIPPE: It was a very interesting
11 change. So our plan really for the next meeting is to
12 move forward on understanding the use of the
13 questionnaire, how the questionnaire is being used to
14 identify operational beds or could be used to identify
15 operational beds versus the licensed bed capacity, and
16 then continue to gather information on the concept of
17 buying and selling beds so we can understand the issue
18 and how it would work in Illinois.

19 Claire did provide us some information on
20 a few other states at the meeting that do this and how
21 it works in their states, but there was some
22 discussion in the group about making sure it fits for
23 Illinois, because the states we had information on are
24 very different in one way or another than Illinois.

1 CHAIRMAN WAXMAN: Tim, is it too early to
2 ask you or ask Claire for a summary of the discussion
3 on buy and sell or do you want to wait till our next
4 meeting?

5 MR. PHILLIPPE: I don't think people had
6 enough information to have a good discussion because
7 we just brought the topic up, and I don't think it
8 would be fair to the group members. I mean I've been
9 involved in discussions in the past with that, but I
10 don't think most members have -- of the work group
11 have really focused on that issue in the past, so I
12 don't think it would be fair.

13 CHAIRMAN WAXMAN: That's fine.

14 MR. PHILLIPPE: To anybody else in the
15 work group that was there, does that make sense?

16 MS. DEDERER: Well, we were hoping to, but
17 we didn't really have much information.

18 MR. PHILLIPPE: Right. So they're
19 agreeing with me here, too.

20 CHAIRMAN WAXMAN: Okay. Again, we are
21 under no time pressure to complete any task other than
22 the pressure we are putting on ourselves. So again,
23 it's -- you know, we can complete our task as we feel
24 comfortable that we have covered the subjects. But

1 the legislation allows us to take as much time at this
2 point as we need to.

3 Mr. Urso, is that right?

4 MR. URSO: That's correct, Mr. Chairman.

5 CHAIRMAN WAXMAN: Okay. So that then the
6 other work group that we had --

7 Claire, do you want to say anything before
8 we move away from that topic?

9 MS. BERMAN: No. The only thing I can add
10 is that I will be doing a comparison of the states
11 that do have some form of the selling of beds in place
12 so that we have as much information as we can find,
13 and then you'll have -- you'll be in a better position
14 to see if there are any ideas that Illinois could
15 borrow successfully. So I hope to do that in the next
16 few weeks.

17 And I think the conclusion to the white
18 paper -- and please correct me if I'm wrong, anyone --
19 is that we do not have sufficient statutory authority
20 right now in our act for the selling of beds. So that
21 is something that someone somewhere would have to
22 figure out.

23 CHAIRMAN WAXMAN: Frank, is that your
24 conclusion?

1 MR. URSO: That seems to be the general
2 consensus when you review the entire statute, that
3 there are some words in there that might lead you to
4 believe that there is some kind of a buying and
5 selling authority, but I don't -- I don't believe that
6 was the intention of those particular sections. So I
7 would agree with Claire.

8 MS. CREDILLE: So does that stop this?

9 MS. BERMAN: Well, we need statutory
10 authority because any rules that we could write and
11 submit to JCAR would not go anywhere.

12 MS. CREDILLE: I understand that. So if
13 we don't have statutory authority, what do we need to
14 do through this committee?

15 MR. URSO: You have to --

16 MS. CREDILLE: Because otherwise, we're
17 just going to talk about this and then it will end
18 because we have no statutory authority.

19 MS. BERMAN: Well, part of the reason we
20 would be talking about it is to see if we want to go
21 further with it.

22 MS. HANDLER: So coming up with a
23 recommendation that then would include the process to
24 gain statutory authority if we were going to make that

1 kind of a recommendation about buy/sells.

2 MR. URSO: Whatever conclusion this
3 subcommittee came -- came to design, they would then
4 make the recommendation to the full board and the full
5 board could then have the authority to say we'd like
6 to propose an amendment to the statute that would
7 cover what that recommendation was, you know, if it
8 went in that direction.

9 CHAIRMAN WAXMAN: All right.

10 MS. DEDERER I have a question.

11 MR. URSO: Yes.

12 CHAIRMAN WAXMAN: Are you able to hear us
13 clearly in Springfield, by the way?

14 MR. PHILLIPPE: Yes.

15 MS. DEDERER: We are.

16 CHAIRMAN WAXMAN: Okay.

17 MS. DEDERER I have a question, though.
18 This is Teri.

19 Claire, do we necessarily have to have
20 explicit statutory authority to go before JCAR? I
21 mean it seems to me that we could maybe attempt it,
22 because they are a legislative body and we certainly
23 would want to inform them if we were going to pursue
24 something like this, but do we have to have it

1 explicitly?

2 MS. BERMAN: Yeah. If you look at the
3 white paper, the first review is by JCAR. I asked
4 JCAR to look at the section with the language.

5 MS. DEDERER: So JCAR themselves said no?

6 MS. BERMAN: No.

7 MS. DEDERER: I mean JCAR said we'd have
8 to have language?

9 MS. BERMAN: We'd have to have more
10 specific language than relocation.

11 MS. DEDERER: I'm sorry, thank you. I
12 didn't read this first part.

13 MS. BERMAN: That's all right.

14 CHAIRMAN WAXMAN: Is everybody clear on
15 the role or function of JCAR or do we need to take a
16 couple seconds for us people who haven't been doing
17 this for a long time and explain JCAR again?

18 Frank, would you mind doing it real quick?

19 MR. URSO: Claire's the expert.

20 CHAIRMAN WAXMAN: Claire, would you make
21 sure everyone knows who JCAR is?

22 MS. BERMAN: JCAR is the Joint Committee
23 on Administrative Rules and they have the authority to
24 review all proposed rulemaking -- administrative

1 rulemaking for the state. The body is comprised of
2 state legislators. And all of the rulemaking that the
3 board puts together goes through the JCAR process.

4 CHAIRMAN WAXMAN: So these are
5 representatives and senators?

6 MS. BERMAN: Yes, yes.

7 CHAIRMAN WAXMAN: Okay.

8 MR. URSO: Of all parties.

9 MS. BERMAN: All parties and have been on
10 -- in the membership for a while.

11 MR. URSO: So when Claire says she's kind
12 of asked JCAR what their thoughts were about this, she
13 talked to JCAR staff. And this staff has been there
14 and has done rules and rulemaking for years. And so,
15 not only Claire but myself, we trust what they -- what
16 they tell you is accurate because they know what the
17 JCAR legislative body would be looking at.

18 MS. DEDERER: Right.

19 MR. URSO: So they serve a very important
20 function.

21 CHAIRMAN WAXMAN: Eli?

22 MR. PICK: Yeah. Just as perhaps another
23 step, the three associations prepared -- I mean they
24 were involved in the whole process with the committee

1 that Senator Garrett and -- not -- Dugan worked
2 together. I'm thinking it may be helpful to get some
3 input from the three associations about from their
4 perspective what -- what was proposed. And since we
5 concluded that the language doesn't support the
6 buy/sell and that was part of the intent, to ascertain
7 from them, you know, what their understanding of --

8 MR. URSO: When you say "them", who are
9 you referring to?

10 MR. PICK: Life Services Network, Illinois
11 Council on Long Term Care, and Illinois Health Care
12 Association.

13 MR. URSO: Okay.

14 MR. PICK: Since they were involved --
15 they being their staff -- were directly involved in
16 the process, and what we've done to date being on the
17 subcommittee and listening to Claire is gather the
18 information from the staff. So I think -- and this is
19 a suggestion I'm making. It might be helpful to get
20 some input from the three associations' staff who were
21 involved in the hearings and also proposed -- the
22 proposed legislation to get their perspective so that
23 we're not circling again after we go through the
24 process internally. So that's a suggestion I would

1 make to help kind of move this thing forward.

2 MS. CREDILLE: Did those recommendations
3 come through this committee?

4 MR. PICK: No.

5 MS. CREDILLE: Where did they go?

6 MS. BERMAN: It went through the Task
7 Force on Health Reform.

8 MS. HANDLER: Some of it's here.

9 MR. PICK: Right. This document does
10 accurately recap everything that's occurred.

11 MS. CREDILLE: Okay. So the --

12 MR. URSO: There was a health reform task
13 force that met in 2008-2009.

14 MR. PICK: Well, that's where the charge
15 for us came from.

16 MS. CREDILLE: But there was a document;
17 right?

18 MR. PICK: Right.

19 MS. CREDILLE: Produced by the three
20 associations?

21 MR. PICK: That's correct.

22 MS. CREDILLE: So can that document come
23 to this committee?

24 MR. PICK: It has.

1 MS. CREDILLE: That's what I was asking.

2 MR. PICK: We have that document.

3 MS. BERMAN: But it didn't come through
4 the committee. The document was shared with us.

5 MS. CREDILLE: I have that document. I
6 just wondered if this group -- I know I have that.

7 MS. HANDLER: We've seen it.

8 CHAIRMAN WAXMAN: Are you, Eli, suggesting
9 that we do something other than just review that
10 document?

11 MR. PICK: Yes.

12 CHAIRMAN WAXMAN: Okay.

13 MR. PICK: I think that the opportunity to
14 get some direct input from the staff at the three
15 associations who are involved in it. Because there's
16 a disconnect here someplace. Because, you know, I --
17 Tim and I were on the committee that helped draft the
18 language that was proposed.

19 MR. URSO: The proposed rules.

20 MR. PICK: Yes. And buy/sell was one of
21 the key elements that we all agreed on. Right, Tim?

22 MR. PHILLIPPE: That's true. That's true.

23 MR. PICK: I mean this was one of the key
24 elements. So somehow there's a disconnect. And if we

1 don't understand the disconnect, I'm not sure we're
2 going to be able to fix it. And when I say fix it, it
3 doesn't mean that we're just presuming this is going
4 to go through. But I think as a committee, to get a
5 better understanding of it, in addition to Claire's
6 feedback from the JCAR staff and our staff's here
7 interpretation of what the legislation covers, that if
8 the intent was to get it in and it didn't, then I
9 think it's helpful for us to know why it didn't and
10 how to avoid repeating that same kind of gap again.

11 MR. URSO: So do you have some suggestions
12 on who the key people would be to talk to?

13 MR. PICK: Well, I think I would just ask
14 the association executive directors to let them
15 suggest who it would be. And I'm not proposing that
16 they take a formal role in this committee, but merely
17 to provide some additional input on, you know, what
18 the proposed legislation they thought intended to do,
19 how -- how that was supposed to occur, and then for us
20 to consider that as part of our process.

21 CHAIRMAN WAXMAN: Tim, do you have a date
22 for your next conference call?

23 MR. PHILLIPPE: I don't remember, to be
24 fair. My assistant sets it up, so I don't know if

1 it's been set up or not.

2 CHAIRMAN WAXMAN: Okay.

3 MR. PICK: I don't think there is a date.

4 CHAIRMAN WAXMAN: Okay.

5 MS. CREDILLE: Eli, as the newcomer,
6 that's why I asked if this committee saw it, because
7 I'm looking -- I saw this document last week or the
8 week before, and I said, well, I have -- when we go to
9 the committee, it's like we didn't talk about buying
10 and selling beds before, but then I'm looking at this
11 document --

12 MR. PICK: It's in there.

13 MS. CREDILLE: -- that supposedly this
14 committee saw and then went to another board and now
15 it's not here.

16 CHAIRMAN WAXMAN: It was given to this
17 committee as a piece of historical document among a
18 lot of historical documents --

19 MR. PICK: Right. It's just information.

20 CHAIRMAN WAXMAN: -- for us to begin doing
21 our task.

22 MR. PICK: Uh-huh.

23 MS. CREDILLE: But then that language that
24 they submitted doesn't appear in the rules.

1 CHAIRMAN WAXMAN: Because it's not.

2 MS. CREDILLE: Right?

3 MR. PICK: No, no, no. Let me -- if I
4 understand it correctly, what the document does is
5 merely recap the topics that were discussed by the
6 associations that led to the proposed legislation.

7 MS. CREDILLE: Uh-huh.

8 MR. PICK: But what we're getting input
9 now from the staff here is that the legislation that
10 was passed doesn't -- there's no statutory authority
11 for this. So that to me is the gap. And if we don't
12 understand why that gap is there, then how do we
13 address it?

14 CHAIRMAN WAXMAN: So are you suggesting
15 that we invite the three organizations to have
16 representatives at Tim's next meeting or come to our
17 next meeting?

18 MS. HANDLER: Can they make a presentation
19 to our group?

20 MR. PICK: That would be my suggestion.
21 And I don't know we need all three. I think we just
22 need -- because, again, it was presented as a
23 consensus among the three. So it's not going to be
24 helpful for us to have all three come and give

1 separate -- you know, their perspectives on it. What
2 I'm suggesting --

3 CHAIRMAN WAXMAN: Well, Terry Sullivan has
4 been joining our group, so maybe we can --

5 MR. PICK: But again, I don't want to
6 presume that Terry Sullivan is the representative for
7 all three associations. I think, again, as a formal
8 body, we should reach out to the three association
9 execs, convey to them what we have identified as the
10 issue, and let them determine who should represent the
11 three associations to us about this specific topic. I
12 don't want to open it up for them to have a platform
13 for all kinds of other --

14 CHAIRMAN WAXMAN: Agreed.

15 MR. PICK: -- agenda items.

16 MS. DEDERER: This is Teri. I have a
17 question. Two things.

18 You have a final report to the General
19 Assembly and then you're talking about legislation.
20 If the -- if the health task force that you were on --
21 I can't remember the name -- had -- initially had the
22 recommendation for buy/sell beds in the draft document
23 but then the final report didn't, who had the
24 authority to change the final report?

1 And same thing for the legislation. If
2 the proposed legislation had it, who had the authority
3 to change the legislation?

4 MR. PICK: Teri, this is Eli. I think
5 you're presuming some things that I don't know are
6 fact.

7 MS. DEDERER: Oh, okay.

8 MR. PICK: Okay? You know, what I do know
9 is the associations made a presentation to the task
10 force and that presentation was the source document
11 that we've reviewed, so that we've seen the areas that
12 were presented and discussed. It was the task force
13 that actually submitted the legislation. So whether
14 this was -- and that's -- for us that's the open
15 question. We don't know if it was by design, is an
16 oversight. For whatever reason, there's no statutory
17 authority for the buy/sell.

18 MR. PHILLIPPE: So some language is
19 missing from the recommendation for the legislation.
20 Is that what you're suggesting?

21 MR. PICK: I don't want to draw a
22 conclusion.

23 MR. URSO: We don't know.

24 MR. PICK: We don't know what the final

1 legislation is.

2 MR. URSO: Senate Bill 1905 was the result
3 of this task force and that contained a whole slew of
4 amendments to the Health Facilities Planning Act. It
5 did not have anything specifically on this topic. We
6 don't know why.

7 MR. PICK: That's right. And that's the
8 operative --

9 MR. PHILLIPPE: That's the issue.

10 MS. DEDERER: Okay. I have a follow-up
11 question.

12 MR. PICK: Wait, wait.

13 CHAIRMAN WAXMAN: One at a time.

14 MS. MITZEN: So the statutory authority
15 should have been in the enabling legislation for this
16 group to review that. Is that -- I'm just trying to
17 understand where the statutory authority --

18 MR. URSO: Do you want me to respond?

19 MR. PICK: Yeah, that's procedural.

20 MR. URSO: You know, this task force met
21 for about a year and a half. It was the health reform
22 task force that was looking at the whole existence and
23 process of the Health Facilities Planning Board, what
24 it does, who its members are. You know, they looked

1 at other statutes throughout the country. They had a
 2 whole list of speakers that testified in front of this
 3 legislative task force and then they came up with
 4 their -- with their final product. And their final
 5 product ended up being Senate Bill 1905 which was,
 6 like I said, a number of amendments to the Health
 7 Facilities Planning Act. Within that document there
 8 was nothing that directly related to buying and
 9 selling of beds. And we just -- we don't know why.
 10 We don't know why. I know that the association
 11 peoples testified at the hearings.

12 MS. MITZEN: Okay.

13 MR. URSO: A number of other people
 14 testified. I mean we don't know why.

15 CHAIRMAN WAXMAN: That task force does not
 16 exist anymore?

17 MR. URSO: Correct.

18 MR. PICK: If I may add, part of what
 19 Claire's report included was that this topic was
 20 discussed and that it seemed to have like a dead-end
 21 trail.

22 MR. URSO: Right. It was opened. Like it
 23 opened up and there was nothing done about it.

24 MR. PICK: And it's not clear what

1 happened.

2 MS. MITZEN: How in hell did that become
3 part of what the scope is of this group?

4 MR. PICK: Yeah, that was the intent of
5 the associations. What's not clear is why there's no
6 enabling legislation.

7 MR. URSO: Right.

8 MR. PICK: So that is the key question.

9 MR. URSO: Right.

10 CHAIRMAN WAXMAN: So, you know,
11 information was presented to the task force that
12 suggested they look at that subject matter and the
13 task force did not include it.

14 MR. PHILLIPPE: Right.

15 CHAIRMAN WAXMAN: That's basically what
16 happened.

17 MR. PICK: Again, this is Eli. It's not
18 clear whether that was intentional or it was an
19 oversight.

20 CHAIRMAN WAXMAN: Right.

21 MR. URSO: We just don't know.

22 CHAIRMAN WAXMAN: Since the task force
23 doesn't exist anymore, then it's -- we're the only
24 body that exists that can make the suggestion to the

1 mother board to have the legislation changed to
2 include buying and selling.

3 MR. PICK: Again, this is Eli. That
4 presumes that it was left out intentionally.

5 CHAIRMAN WAXMAN: But that's a good point,
6 because we can still make the recommendation
7 regardless of whether they intended it or not.

8 MR. PICK: No. This is where I'm saying
9 let's back up. This is Eli. I think what we need to
10 understand is there may be another view on this and
11 that may be that the associations come in and say that
12 indeed there is language in the legislation to enable
13 this that our staff has not either identified or
14 concluded. We just need to hear that.

15 MR. URSO: Or interpreted it.

16 MR. PICK: Or interpreted it that way.
17 Correct. That's the other possibility.

18 CHAIRMAN WAXMAN: Okay. But is it our
19 staff or is it JCAR that is interpreting it that it
20 doesn't exist?

21 MR. PICK: That's part of what we need to
22 flesh out.

23 MR. URSO: So far the conclusion is there
24 does not seem to be authority.

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1 CHAIRMAN WAXMAN: Is it our staff that's
2 made that conclusion or is it JCAR that's made that
3 conclusion?

4 MR. URSO: Well, it's Claire's research.
5 when she's talked to JCAR and reviewed the transcripts
6 of the task force and reviewed the statute
7 extensively, that's the conclusion that is drawn.

8 CHAIRMAN WAXMAN: Is there anyone in
9 Springfield that wishes to address that issue before
10 we determine how to proceed next?

11 MR. PHILLIPPE: Michael, this is Tim.

12 MS. DEDERER: I did have a question.

13 MR. PHILLIPPE: Go ahead, Teri. Go ahead.

14 MS. DEDERER: My question was, who was on
15 this healthcare reform task force?

16 CHAIRMAN WAXMAN: Teri, it doesn't exist
17 anymore, so it doesn't really matter.

18 MS. DEDERER: I know it doesn't. But was
19 it legislators? Was it business people? What was it
20 composed of?

21 CHAIRMAN WAXMAN: It was a mixed bag of
22 people.

23 MR. URSO: It was supposed to be 19
24 people. Eleven of them were legislators.

1 MS. DEDERER: Thank you.

2 CHAIRMAN WAXMAN: Tim.

3 MR. PHILLIPPE: Michael, let me see if I
4 can summarize the discussion so I understand it
5 correctly because it seems to fit with what I already
6 thought.

7 Claire did a good job of I think a white
8 paper of identifying the legal issues here of the fact
9 that it's not in the legislation. So we do not have
10 the ability -- I mean that's what you were saying.
11 Our subcommittee and the board does not have the
12 ability. Which matches what all the associations
13 thought when the law was passed as far as I know.
14 Everybody talked about the fact that even though that
15 testimony was given, it was not in the task force
16 recommendations and it did not become part of the law.
17 So that's what I think everybody expected.

18 CHAIRMAN WAXMAN: Okay.

19 MR. PHILLIPPE: So I think people can talk
20 about it. The one thing I think is useful in this
21 group and people in this group have helped me
22 understand on this whole bed buying and selling is
23 that the proposal from the associations came only from
24 providers. There are many constituents and interested

1 parties involved in long-term care beyond the
2 providers. And so it would seem that as long as we
3 are allowed to discuss it in our sub -- in our
4 subcommittee and propose it to the board if they want
5 to propose it, it would have a more diverse backing.

6 Now, I do think it would be useful, like
7 Eli said, if we can find out at all from the task
8 force, get any feeling for why it was not proposed.
9 But from the group and Claire, I've understood that
10 this would have major ramifications for a lot of
11 people, a lot of organizations, the citizens, not just
12 the providers. And so I do see a value as long as
13 we're allowed to do it to look at it in totality. And
14 then if the group, our subcommittee makes a
15 recommendation, it's coming from a more diverse group.
16 And then as long as -- I think it's legal, if the
17 board supports that idea and the associations and
18 other interested parties support that idea and speak
19 up for it, maybe we can get it changed. We can -- I
20 don't know the legislative process, but I understand
21 there are people who are more open to changes like
22 this and are more interested than others.

23 So anyway, that just seems like where we
24 are now. I think it's fine if we figure out why

1 people know it was not recommended, but the people I
2 talked to don't seem to know why it was not
3 recommended.

4 CHAIRMAN WAXMAN: I think we all -- Tim, I
5 think we all agree with you. I think the stumbling
6 block is that we can't address the task force or we
7 can't have the task force address us because they
8 don't exist anymore.

9 MR. PHILLIPPE: Right.

10 CHAIRMAN WAXMAN: However, we can have
11 input from the three groups. Unless there is some way
12 to find the minutes or anything from the task force
13 that might shed light on why that issue was --

14 MR. PICK: That's what Claire did.

15 MS. HANDLER: She combed the minutes.

16 MR. PICK: This is Eli. Tim, I'm
17 understanding your comment to be a little different,
18 and that is to invite public testimony on this subject
19 to incorporate those -- that input into developing
20 what the subcommittee is going to recommend. Is that
21 right?

22 MR. PHILLIPPE: Well, I think some, if we
23 can do it, but also our subcommittee as a whole is a
24 very diverse group, you know.

1 MR. PICK: Yes.

2 MR. PHILLIPPE: It's broader than just the
3 providers. And I think that gives it more influence
4 and power.

5 CHAIRMAN WAXMAN: That's what I thought
6 you meant.

7 MR. PICK: All right. I got you.

8 CHAIRMAN WAXMAN: That's what I thought
9 you meant that your subcommittee -- our subcommittee
10 and then your subcommittee of our subcommittee --

11 MR. PHILLIPPE: Right.

12 CHAIRMAN WAXMAN: -- is a very diverse
13 group of people and that would bring in people that
14 have not been part of the task force testimony.

15 Yes, sir.

16 MR. DART: Yeah, this is Bill. I wanted
17 to comment there may be other changes to the statute
18 besides this express authority that we're looking for
19 that make sense with respect to proceeding with this
20 type of a program.

21 MR. PHILLIPPE: That's true.

22 MR. DART: So besides this one clear need,
23 there may be other changes that need to be made in the
24 statutes. So, you know, beyond just having this,

1 there could be other good reasons to seek a bill to
2 make some changes in the law.

3 For example, one thing that comes to mind
4 is a facility's ability to just expand a small number
5 of beds without coming to the Planning Board -- the
6 Services Review Board, the ten percent small
7 incremental changes which, you know, if we're going to
8 make these a commodity, all of a sudden people can
9 start adding small numbers and then put them out into
10 the market. So what kind of thing -- you know, what
11 kind of influence does that have?

12 MS. CREDILLE: But to actually make that
13 work, you need to almost eliminate that, the addition
14 of the beds.

15 MR. DART: But that is in the law now;
16 isn't it, Mike?

17 MR. CONSTANTINO: Yes.

18 MR. PHILLIPPE: Good point.

19 MS. CREDILLE: But really, the proposal
20 from the three associations -- I mean I had the
21 opportunity to meet with Dave Voepel last week. They
22 put that proposal together, they said, in the interest
23 of time to try to meet the deadline of this task
24 force. That's what he said, that it was not the

1 be-all and end-all but they tried to put their heads
2 together.

3 An issue -- a big issue that appears is
4 that if we don't -- it's back to the issue we keep
5 talking about. If we don't change the bed need
6 formula, the buying and selling won't work. Because
7 how -- you can't have both. It won't work. You can't
8 say we're going to still have a bed need formula out
9 there and go through a kind of CON process and then we
10 have buying and selling of beds because they negate
11 each other.

12 MR. PICK: Again, this is Eli. They have
13 to be -- it has to interrelate. You have one or the
14 other.

15 MS. CREDILLE: But we have to change the
16 current bed need formula to do the buying and selling.
17 It can't be the same.

18 MR. PICK: You can't just add it on.

19 MS. CREDILLE: Correct.

20 CHAIRMAN WAXMAN: I think Claire thinks
21 differently.

22 MS. BERMAN: Yeah. The purpose of the bed
23 need formula is to identify areas where there is a
24 need. So what some states that I've looked at already

1 -- not to say all of them because I don't know -- they
2 have it within the review to see if what is being
3 proposed, the extra beds are being proposed to be put
4 in an area where there is a need. That would be the
5 review by the board to make sure that, yeah, you go
6 ahead and sell them, but it's got to be to an area
7 where they are needed.

8 MS. CREDILLE: I agree with that. It's
9 back to how you calculate the need and it's back to
10 the issue of Illinois is overbedded compared to other
11 states. We shared that document at the last
12 committee.

13 MS. BERMAN: Right. But it wouldn't be
14 new beds. It would be just relocating them.

15 MS. CREDILLE: Correct. And that's very
16 different to how it currently functions. Because
17 right now we demonstrate bed need all over the place,
18 but Illinois is overbedded. I mean it's really about
19 access and distribution to where we need the beds.

20 MS. DEDERER: But -- this is Teri. Can I
21 comment on that?

22 CHAIRMAN WAXMAN: Go ahead.

23 MS. DEDERER: People may not want to sell
24 their beds or reduce their beds who currently have too

1 many, and so you could have overbedding regardless,
2 unless you want to put in the law that you're going to
3 make people reduce their bed count. So I think you
4 have to take all those things into consideration and
5 recognize that we're always going to be overbedded to
6 a certain extent. And especially if we go in the
7 specialty areas, we're really going to look like we're
8 overbedded. That was all.

9 CHAIRMAN WAXMAN: Eli.

10 MR. PICK: Well, yeah, we've discussed
11 this numerous times before. I think it would be
12 helpful for Cece to kind of get up to speed on some of
13 the historical conversations we've had with Claire
14 about the whole process and I think you got some of
15 that in the last couple of meetings. But, you know,
16 we all had the benefit of going through the whole
17 process from the point of origination of submitting a
18 proposal to how -- how the bed need formula
19 calculates. And clearly, we all, I believe, have
20 reached a consensus that there needs to be some
21 adjustments. What we're still trying to figure out is
22 what.

23 MS. CREDILLE: What and how.

24 MR. PICK: Yeah. What and how.

1 CHAIRMAN WAXMAN: Courtney, has Cece been
2 given all the documentation from --

3 MS. AVERY: Yes.

4 MS. HANDLER: Then you've got it.

5 MR. PICK: Yeah, you've got a lot to wade
6 through.

7 CHAIRMAN WAXMAN: It should be about six
8 pounds.

9 MR. PHILLIPPE: Michael.

10 CHAIRMAN WAXMAN: Yeah.

11 MR. PHILLIPPE: I'm just going to say, as
12 was pointed out earlier, this is very complicated
13 change really. I just remember from the discussions
14 that we had with the associations, those went on for a
15 year and a half I think.

16 MR. PICK: Yep.

17 MR. PHILLIPPE: And it was amazing the
18 complexity. It's not just one change, as has been
19 noted. It really would require changes in a variety
20 of ways. And you have to think through, specifically
21 if we're going to recommend it, how it would work in
22 Illinois. Because every state doesn't do it the same.
23 Claire's also --

24 CHAIRMAN WAXMAN: Exactly.

1 MR. PHILLIPPE: -- already helped with
2 that. And so we really need more information I think.
3 And it'll take time really to really delineate all the
4 issues here. It's not a simple change.

5 CHAIRMAN WAXMAN: If I can summarize, I
6 think at this point it's sort of left in your
7 subcommittee and I think that there's an agreement
8 that we would like to have input from the three
9 associations via one person. And I guess to make that
10 happen, do you have a suggestion? I was thinking of
11 calling Terry Sullivan. If you have a different
12 suggestion --

13 MR. PICK: No, I think Terry -- this is
14 Eli. I think Terry is an appropriate party to start
15 with since he's been coming to the prior meetings.
16 However, I don't think we should presume that he is
17 the anointed representative of all three associations.

18 MR. PHILLIPPE: Right.

19 CHAIRMAN WAXMAN: So you think we should
20 trust Terry to --

21 MR. PHILLIPPE: Michael, I would think we
22 should have somebody from LSN who's been very
23 involved. Because there were strong differences of
24 opinion on how this should work.

1 MR. PICK: Right.

2 CHAIRMAN WAXMAN: So do you want me to
3 call each of the associations and tell them what we're
4 doing and have them among themselves then designate
5 one person?

6 MR. PICK: Or not necessarily. Tim is
7 pointing out that one person may not be their
8 preferred choice.

9 CHAIRMAN WAXMAN: You want to invite all
10 three to our next board meeting?

11 MR. LOWITZKI: Yes.

12 MR. PHILLIPPE: That's okay. Give them an
13 opportunity to talk about the issues.

14 MR. SCAVOTTO: Keep it in your committee.

15 MR. PHILLIPPE: Michael, if you also
16 agree, I will also ask them if they'd like to attend
17 the next task -- work group of my work group and
18 actually then provide some information for that
19 meeting also.

20 MR. PICK: Then I'd like to make a motion
21 since we've had all this discussion.

22 MS. DEDERER: Can I have one more
23 question?

24 MR. PICK: I move that we invite all --

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1 representatives of all three associations to the task
2 group and then to the entire subcommittee to provide
3 us some input on their recommendations to the task
4 force and specifically for us to understand what the
5 disconnect is on the bed buy and sell and why it --
6 not necessarily why -- and why we're not identifying
7 statutory authority to move on it.

8 CHAIRMAN WAXMAN: Need a second.

9 MS. CREDILLE: Oh, I'll second.

10 CHAIRMAN WAXMAN: We have a second. Cece
11 seconds. Any discussion?

12 MR. PICK: I think Teri wanted to say
13 something.

14 MS. DEDERER: I just wanted to ask, why
15 are we not asking a member of the task force to
16 explain to us what happened rather than asking the
17 three associations? Or were they represented on the
18 task force? I mean it seems to me that whatever
19 happened happened on the task force; didn't it? Or am
20 I just not understanding?

21 CHAIRMAN WAXMAN: The three associations
22 were -- gave testimony to the task force.

23 MS. DEDERER: Understood. But it was the
24 task force that apparently didn't use it.

1 MR. PICK: Again, if I may, the task force
2 no longer exists.

3 MS. DEDERER: I understand that. But do
4 we know what the membership was and could we --

5 MR. PICK: Yes.

6 MS. DEDERER: -- not ask a member of
7 the --

8 MR. PICK: We know exactly who -- what
9 people or who were on the task force. However, since
10 the task force no longer exists, they -- you can't --
11 no individual represents that task force anymore.

12 MS. DEDERER: I'm not suggesting they
13 represent the task force. I'm just asking if you
14 can't -- even if it's informally and not in front of
15 the group, why can't you call some member of the task
16 force and say what happened, did anything happen or
17 did it just disappear?

18 MR. PICK: Okay. Yeah. We can ask
19 Senator Garrett whether it was intentional or not.
20 Right?

21 MS. BERMAN: Right.

22 CHAIRMAN WAXMAN: Teri, we'll take your
23 suggestion and staff will see what they can do within
24 the boundary of being legal.

1 MS. DEDERER: Oh, yeah. I wasn't --

2 CHAIRMAN WAXMAN: Or appropriate.

3 MS. DEDERER: I wasn't trying to propose
4 anything not legal.

5 CHAIRMAN WAXMAN: I have a motion with a
6 second. I need a vote. All in favor?

7 ("Ayes" heard)

8 CHAIRMAN WAXMAN: And opposed?

9 (No response)

10 CHAIRMAN WAXMAN: I didn't hear any voting
11 from Springfield. Is this like you guys are --

12 MR. DART: There were ayes.

13 MS. DEDERER: If there were noes, you
14 probably would have heard them.

15 CHAIRMAN WAXMAN: Okay. Just as a point
16 of procedure, should the invite come through Courtney
17 or do you want me to make phone calls?

18 MR. PICK: I think Courtney is fine.

19 CHAIRMAN WAXMAN: Courtney, would you
20 please call each of the associations and tell them
21 they've been asked to join us?

22 MR. PICK: They've been summonsed.

23 CHAIRMAN WAXMAN: They've been summonsed.

24 MS. AVERY: Sure.

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1 CHAIRMAN WAXMAN: Okay. Moving on to the
2 agenda.

3 MR. PICK: Moving on.

4 CHAIRMAN WAXMAN: Moving on.
5 Mr. Scavotto.

6 MR. SCAVOTTO: What?

7 CHAIRMAN WAXMAN: You've been very quiet
8 this morning, so now is your chance to share your
9 thoughts.

10 MR. SCAVOTTO: Okay. The application --
11 the long-term care application was sent out. I was
12 asked to make some comments on it. I did. I
13 submitted them. I haven't heard anything back. End
14 of report.

15 MS. AVERY: Mike, I just set up -- I
16 remembered that I had not forwarded those to you, but
17 Mike Constantino should have the latest edition.
18 Claire went through and incorporated all your changes.

19 MR. SCAVOTTO: Okay. So I was asked to --
20 I thought I was asked to work with some folks to
21 review the application in a subcommittee atmosphere.
22 That hasn't happened yet and whether that's going to
23 happen I don't know.

24 CHAIRMAN WAXMAN: Okay. That was my hope,

1 if you will, that you would have some volunteers to
2 work with you, and I thought a couple people were
3 identified. I think Cece got caught in the middle of
4 not knowing if she was an official member at the time
5 that she said she would work with you. But you --
6 would you work with Mike?

7 MS. CREDILLE: Sure.

8 CHAIRMAN WAXMAN: Okay. So Cece will work
9 with you.

10 MS. AVERY: We took the changes that Mike
11 suggested. I think I sent it to -- did I send it to
12 you, Carolyn?

13 MS. HANDLER: You did. But I was kind of
14 confused about what I was supposed to be doing. I
15 thought it went to everyone and I saw that it didn't,
16 but I wasn't --

17 MS. AVERY: You and Mike were the
18 committee. You were the only two who agreed to do it
19 at that time.

20 CHAIRMAN WAXMAN: I thought there were
21 four.

22 MS. AVERY: No, the others -- it was just
23 the two of you. So I sent it to them. Mike made a
24 lot of suggested changes which Claire incorporated in

1 the draft that I should have sent out on Friday.

2 CHAIRMAN WAXMAN: But you did not?

3 MS. AVERY: I've got them here and I don't
4 know if -- do you have copies there, Mike Constantino?

5 MR. CONSTANTINO: Yes.

6 CHAIRMAN WAXMAN: But no one's had a
7 chance to see them?

8 MS. AVERY: Right. And then Chuck Foley
9 had some suggestions.

10 CHAIRMAN WAXMAN: Mike, I think that we
11 should put this back into Mr. Scavotto's subcommittee
12 and let the group work on the last document that
13 nobody has seen. Mike, are you okay with that?

14 MR. SCAVOTTO: Sure. That's sufficiently
15 vague to be workable.

16 CHAIRMAN WAXMAN: You know I didn't want
17 to make it easy for you.

18 MR. DART: Okay. We have a question here
19 from Springfield. We've got two drafts. We've got a
20 1/9 and a 1/18. We have one marked 1/9 and another
21 one marked 1/18.

22 MR. PICK: Mr. Chairman, can we have one
23 conversation for the meeting?

24 CHAIRMAN WAXMAN: Hold on. Hold on.

1 Everybody stand still for a minute until we gain
2 control.

3 At this point in time I am suggesting that
4 we put the correct application which has some
5 adjustments to it back into Mr. Scavotto's hands with
6 his subcommittee. His subcommittee is now identified
7 as Mike and Carolyn and Cece. I would like maybe one
8 more member of the group to be part of that. Would
9 somebody be willing to join them?

10 MS. MITZEN: This is Phyllis. What --
11 what expertise or what perspectives do we have on it
12 and who would need to review this?

13 CHAIRMAN WAXMAN: I would think
14 operationally a long-term care would be useful because
15 the intent is to make sure that the application for
16 the nursing home is pertaining to a nursing home
17 operation and is void of hospital information and kind
18 of clouds the picture when a nursing home is using
19 that form.

20 Mike, is that kind of what you're
21 thinking?

22 MR. SCAVOTTO: Mike Scavotto or
23 Constantino?

24 CHAIRMAN WAXMAN: Mr. Scavotto. Because I

1 haven't seen Constantino. I don't even think he's
2 there.

3 (Laughter)

4 MR. SCAVOTTO: Okay. All right. I go
5 back to an earlier conversation that we had in one of
6 our first meetings and it was very clear to me that
7 the members of this committee wanted to have an
8 application that was specific towards long-term care.

9 CHAIRMAN WAXMAN: Agreed.

10 MR. SCAVOTTO: And didn't want it to be
11 treated like ambulatory surgery or acute care. And
12 unless there's some objections, that's the premise on
13 which I was going to proceed.

14 CHAIRMAN WAXMAN: That is correct.

15 Phyllis?

16 MS. MITZEN: Okay. So the purpose is to
17 make sure that it's specific to nursing homes.

18 CHAIRMAN WAXMAN: Uh-huh.

19 MS. MITZEN: But does that include -- I
20 mean we're talking about long-term care. Are we
21 talking about the broader -- I saw some language in
22 there looking at broader long-term care options to be
23 taken into consideration. Is that -- I guess I'm
24 trying to figure out whether or not the perspective of

1 the broader long-term care belongs in this discussion.

2 MR. SCAVOTTO: Let me respond to that.

3 CHAIRMAN WAXMAN: Okay.

4 MR. SCAVOTTO: I think yes and no. So
5 it's both. And it remains to be seen what develops
6 out of this. When you read the application now, there
7 is one section that requires the applicant to list
8 alternatives that were considered in the project. And
9 that could potentially involve community-based
10 services I'm thinking. So how that shakes out I don't
11 know. It may not -- it may not be appropriate. I
12 mean there is -- that's the one area of the
13 application that I see that's covered right now.

14 Mike, would you agree?

15 MR. CONSTANTINO: I agree.

16 MS. MITZEN: That's why I was asking about
17 what perspectives you need on this subcommittee to
18 consider.

19 CHAIRMAN WAXMAN: Hey, there is Mike.

20 MS. DEDERER: Can I comment on this? I
21 mean --

22 CHAIRMAN WAXMAN: No, wait a minute. No.
23 Hold on. Only because Phyllis made a question that we
24 didn't answer. So give me a second, Teri.

1 I would say that your perspective would be
2 appropriate.

3 MS. MITZEN: Well, not necessarily my
4 perspective but that --

5 CHAIRMAN WAXMAN: I'm trying to get you to
6 volunteer.

7 MS. MITZEN: Well, I'm not sure I'm
8 volunteering. But that's why I was asking the
9 constitution of the subcommittee looking at this and
10 whether or not that perspective -- whether or not we
11 need that perspective, and if so, we'd certainly want
12 somebody on that subcommittee who has that.

13 CHAIRMAN WAXMAN: Okay. So while you're
14 thinking, Teri.

15 MS. DEDERER: The alternative section is
16 completely up to the applicant, who may not even
17 consider other community care options and may be
18 talking about I don't even know what. Is there no
19 place that is likely to be put in here that addresses
20 the issue of why this is needed in the perspective of
21 the whole community? I mean I kind of saw it in here,
22 but it doesn't ask anything specific about the entire
23 community as in nursing homes and community care and
24 SLFs and the other stuff.

1 MR. SCAVOTTO: I thought the application
2 did cover that. And it does request the applicant
3 provide the history around its operations and its role
4 in the community and what the applicant proposes to do
5 and why. It does require the applicant to indicate
6 why this approach is the best and why others would be
7 appropriate or perhaps not appropriate. And you can
8 make whatever you want out of that, but that --

9 MS. DEDERER: That's exactly right. You
10 can make whatever you want out of it.

11 MR. SCAVOTTO: That is correct.

12 MS. DEDERER: And totally exclude
13 community consideration.

14 MR. SCAVOTTO: I'm not sure it's mutually
15 exclusive. It could be. In which case the staff here
16 has the right to comment.

17 MS. DEDERER: I'm suggesting that we as a
18 group need to decide if the community-based services
19 should or should not be in this application. And if
20 so, it should be explicit. If not, it can continue
21 down the road it is and those of us interested in
22 community services don't need to participate
23 because --

24 CHAIRMAN WAXMAN: Well, I think that's the

1 same question Phyllis asked.

2 MS. DEDERER: It is. It's exactly the
3 same question. Let's define it then.

4 CHAIRMAN WAXMAN: Well, and the answer to
5 that question is we have three members that are going
6 to look at the application in a subcommittee who are
7 primarily in the -- Carolyn's in hospice.

8 MS. HANDLER: I'm in hospice, so I would
9 say that I would bring a very community focus to the
10 table.

11 CHAIRMAN WAXMAN: Again, I would like to
12 have four on that committee, so if somebody else who
13 is in either room would like to join Mr. Scavotto and
14 Cece and Carolyn, please let me know. And I think
15 that you would be able to then represent whatever
16 viewpoint you have in terms of the application.

17 But I think that -- I think there also has
18 to be another point of clarification in that I'm
19 hearing that there's a couple different documents
20 floating around. So can we define so that everybody
21 is clear on which document they should be looking at?

22 MS. AVERY: I now remember what occurred.
23 I sent them to the two, Mike and Carolyn. Then I
24 forwarded it to Claire. Claire incorporated Mike's

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1 comments. So then I got an e-mail from a committee
2 member saying I didn't have an opportunity to comment
3 on this when I sent it as an attachment to the meeting
4 announcement. So I re-sent it under a separate e-mail
5 asking people for their input and I got none. So
6 that's why I didn't forward Mike's and just brought it
7 here to make sure that we got everybody's feedback and
8 comment for discussion. So what I'll do now is submit
9 Mike's version to people and they can comment on that.

10 CHAIRMAN WAXMAN: And Mike's version has
11 Claire's input?

12 MS. AVERY: Yes. Claire made the changes
13 that Mike suggested and rearranged in the order that
14 Mike suggested.

15 CHAIRMAN WAXMAN: Okay. Mike, do you want
16 that to be a starting document?

17 MR. SCAVOTTO: Sure. Yes.

18 MS. AVERY: You don't have it?

19 MS. HANDLER: I think that makes the
20 assumption that whatever Mike is suggesting --

21 MS. AVERY: No, I'm going to forward
22 Mike's suggestions. Claire has marked it up, so you
23 will see those. We'll send them to you and Cece. And
24 then once that's a consensus, it will go out to the

1 whole group.

2 CHAIRMAN WAXMAN: Let's hear from Claire.

3 MS. BERMAN: Just if I can interrupt this
4 whole discussion.

5 CHAIRMAN WAXMAN: You're not interrupting.

6 MS. BERMAN: Okay. What I'd like to
7 remind everybody is the fact that the application
8 emanates from the rules. It has to have requests for
9 information that are already stated in the rule.
10 Okay? So that's why a lot of this is in here. Okay?
11 We can't add to it, you know. If there are things in
12 the application you don't like, you have to go back to
13 the rule and say, oh, it's in the rule, we need to
14 revise the rule.

15 MS. DEDERER: Well, that's fine.

16 MS. AVERY: In that instance, in the
17 materials and the feedback that Mike sent, I asked
18 Claire where we couldn't make those changes or adhere
19 to his suggestions to make a comment saying so.

20 MS. BERMAN: The next thing you need to
21 know is those of you who have this one dated the 18th,
22 that is not the most recent version.

23 MR. SCAVOTTO: That's not?

24 MS. BERMAN: No.

1 MR. SCAVOTTO: What is the most recent
2 version?

3 MS. BERMAN: The most recent version I
4 think is the 24th or 25th. It's not a complete
5 document. I got into it but I wasn't able to address
6 every point.

7 MR. SCAVOTTO: Okay. So, Claire, when can
8 we expect to get that document?

9 MS. BERMAN: Well, I can send it out
10 tomorrow.

11 MR. SCAVOTTO: Will your work be complete?

12 MS. BERMAN: No. But it will give you an
13 idea what -- the main change is the rearrangement of
14 some sections per your -- your ideas. You seem to
15 look favorably on the chart, which, you know, I agree
16 is a good way to go. I've tried to expand that so it
17 includes the financial and economic requirements as
18 well as the need criteria that you have a chart for.

19 MR. SCAVOTTO: Why don't you get it to us
20 when it's finished? That way we don't have to
21 reinvent anything.

22 CHAIRMAN WAXMAN: I agree.

23 MS. BERMAN: All right. It's whatever you
24 want.

1 CHAIRMAN WAXMAN: And then after you get
2 Claire's document, you can then determine a date for
3 your committee to meet.

4 MR. SCAVOTTO: Right. Once I get that,
5 we'll get started.

6 MS. AVERY: And that will only be sent to
7 the three committee members at this point.

8 CHAIRMAN WAXMAN: And I want it and Eli
9 wants it.

10 MS. AVERY: Okay.

11 MS. CREDILLE: And to my understanding,
12 the rules have already been changed. Just help me
13 here. The rules have already been changed. So a
14 current applicant --

15 MR. PICK: What rules have been changed?

16 MS. CREDILLE: The long-term care rules
17 have been changed.

18 MR. PICK: Oh, yes.

19 MS. CREDILLE: So current applicants don't
20 have an application that matches the rules?

21 MS. BERMAN: They do. We're just cleaning
22 it up. All the information that is in the application
23 that would be sent out -- let's say you're going to
24 ask Mike Constantino for an application. He'll say,

1 well, it's available online. If you pick that up, it
2 will be correct. You're not going to be answering
3 things you don't need to.

4 MS. CREDILLE: So it's already been
5 revised sort of to meet the rules?

6 MS. BERMAN: Sort of. We're trying to
7 reorganize it and clean it up, but it does follow the
8 current rule, 1125.

9 MS. CREDILLE: So really, I mean the
10 bottom line from the associations, et cetera, I mean
11 we don't really want to hold this up because we need
12 the application to match the rules. We don't
13 necessarily agree with what's in the application, but
14 at the moment that's a moot point because it's in the
15 rules.

16 MS. AVERY: Well, the good thing is I
17 think to date we haven't received any requests. We've
18 just been seeing a lot of change of ownerships. So
19 we'll just have to get started on it very quickly.

20 CHAIRMAN WAXMAN: Okay. So to summarize,
21 if I have it correctly, Claire is going to incorporate
22 the changes that Mike has suggested and send that to
23 Mike, Cece, Carolyn -- and if somebody else would like
24 to join that committee, there is a spot in my mind

1 open -- and to Eli and I. When Mike has that, he will
2 contact the committee and get a conference call so
3 that you can begin looking at this.

4 And again, Frank, correct me if I'm wrong,
5 we can make recommendations to the mother board to
6 incorporate new rules if we think that they're
7 necessary based upon the way we think the application
8 should be formulated.

9 MR. URSO: As long as it's not contrary to
10 the statute.

11 CHAIRMAN WAXMAN: Okay.

12 MR. URSO: That determination could be
13 made, you know, at any time. It could be made at this
14 level. It could be made at the mother board level.

15 CHAIRMAN WAXMAN: Okay. Are we okay now?
16 Are we okay as a group as to what's going on with the
17 application process?

18 MS. DEDERER: This is Teri. Did we want
19 to hear from Chuck now since he said at the beginning
20 he had comments on this?

21 CHAIRMAN WAXMAN: Teri, I was not going to
22 forget Chuck. Trust me.

23 MS. DEDERER: Okay.

24 CHAIRMAN WAXMAN: I want to make sure the

1 committee is in agreement to where I have put --

2 MS. DEDERER: Yes.

3 CHAIRMAN WAXMAN: -- put the obligation of
4 the next step.

5 MS. DEDERER: Okay.

6 CHAIRMAN WAXMAN: Eli?

7 MR. PICK: Yes. This is Eli. For
8 clarification purposes, are we able to under the
9 existing application expand the section like service
10 accessibility to include home and community-based
11 service availability? That's my question.

12 MS. CREDILLE: Which section are you on?

13 MR. PICK: 1125.570.

14 MS. BERMAN: Can you repeat that?

15 MR. PICK: The question is, this section
16 addresses service restrictions and the documentation
17 the applicant is making about what's available in the
18 area as part of their application. So the question is
19 whether community-based services, can those be
20 included in this section as part of the application?
21 Because right now in at least the January 18th
22 draft --

23 MS. HANDLER: Do you think it gets
24 addressed here under 1125.330 where it talks about

1 alternatives to the proposed project in this broad
2 sense?

3 MR. PICK: Well, does it get addressed or
4 are you saying is this a more appropriate section for
5 it?

6 MS. HANDLER: I'm thinking this is the
7 section where they would be looking for that.

8 MR. PICK: Okay.

9 MS. DEDERER: Right.

10 MS. HANDLER: And that's how I read -- you
11 know, when I read it, I look at alternatives to this
12 project would be community-based services or home care
13 or some other thing.

14 MR. PICK: Okay.

15 MS. HANDLER: It does not explicitly
16 request that.

17 MR. PICK: No, I see what you're saying.

18 MS. HANDLER: That's where I'm thinking --

19 MS. MITZEN: And it's also fairly vague in
20 asking -- in my reading of it, it's vague in asking
21 for documentation. It just says social service
22 agencies I think it's listed in there.

23 MR. PICK: Well, if I understand the
24 process, really it's the staff's interpretation of

1 what's included in the application. Right? So I
2 guess that's really the question for the staff is does
3 the -- do these elements follow the rule based on the
4 way the staff is applying that rule to require
5 applicants to incorporate those elements in the
6 application?

7 MS. BERMAN: Correct.

8 MR. PICK: That's a yes?

9 MS. BERMAN: Yes, yes. In writing the
10 rules, we try to be clear and explicit. However, we
11 don't want to make it so tight that nothing fits and
12 that you can't really fully describe what's going on.

13 MS. MITZEN: You're saying it has to be
14 broad enough but specific enough.

15 MS. BERMAN: Yeah. It's one of those.
16 But if -- there are states that do have within their
17 rules a criterion that let you have a full-blown
18 description of -- you know, of community services in
19 particular because, you know, everything links.
20 There's overlapping. And then there's, you know, the
21 whole issue of people moving in and out of different
22 kinds of care, you know. So that's something that we
23 can look further into when we start amending, adding
24 to, or tweaking.

1 CHAIRMAN WAXMAN: Again, it goes back to
2 the subcommittee and it can come out from the
3 subcommittee to the entire group here.

4 Phyllis?

5 MS. MITZEN: Just a point of
6 clarification, and this may be a naive question, but
7 in -- when I read through this, what kind of weight is
8 given to a section like that in terms of making
9 decisions?

10 MS. BERMAN: Alternatives you mean?

11 MS. MITZEN: Uh-huh.

12 CHAIRMAN WAXMAN: I think that's a Mike --
13 is that a Mike question or is that your question?

14 MS. BERMAN: Well, either one of us.

15 CHAIRMAN WAXMAN: Feel free.

16 MS. BERMAN: Well, currently alternatives
17 are information only.

18 CHAIRMAN WAXMAN: That's an important
19 point I think.

20 MR. PICK: Again, this is Eli. That's why
21 I think service accessibility is another area. I
22 think the two need to be connected.

23 MS. DEDERER: But, Eli, the service
24 accessibility is only for if you need a variation. If

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1 you don't need a variation, I don't think you need to
2 do this section; do you? A variance.

3 MR. PICK: You mean it's only for a
4 variance?

5 MS. DEDERER: Yeah. It's under variance;
6 isn't it?

7 MR. PICK: No. It's a separate section.
8 I mean it follows variances, but it's a separate
9 section.

10 MS. DEDERER: Okay, okay. Sorry.

11 MS. AVERY: What I can do is go back in
12 the minutes and read all this discussion, Claire and
13 I. But I would ask that people do continue to discuss
14 it but also submit it in writing to us or to the
15 committee, and I can forward those comments to the
16 committee or you can just send it straight to them.
17 But I don't know if I'll be able to remember.

18 CHAIRMAN WAXMAN: If you have any comments
19 relative to the application, let's get them to
20 Courtney within the next seven days -- seven business
21 days.

22 MS. AVERY: I'll send out a reminder.

23 CHAIRMAN WAXMAN: We need to move forward
24 with this so that Claire can finish what she's going

1 to do, so that Mike can begin his operations.

2 Otherwise, we're going to -- you know, someone might
3 suggest we're not being productive.

4 Tim.

5 MR. PHILLIPPE: I just had a question
6 before I did that. There is a section in there on
7 charity care, and assuming from what Claire said that
8 that was in the rules, it's required to discuss
9 charity care, and I was just --

10 MS. BERMAN: Well, that brings up a --

11 MR. PHILLIPPE: I was going to ask because
12 it's kind of a sensitive point to people out there,
13 considering we're in a state with the lowest funding
14 in long-term care almost in the country, and then if
15 somebody really qualifies for charity, they would
16 normally be on a Medicaid program. The ones I know of
17 are unusual items of people who are like from overseas
18 who don't qualify as a citizen or the rich campuses
19 that are all private pay that don't allow any Medicaid
20 occasionally have charity cases. So that's kind of a
21 background and the purpose for that.

22 CHAIRMAN WAXMAN: Claire, do you want to
23 address that?

24 MS. BERMAN: Just briefly. We might want

1 to call Mike Constantino on this as well.

2 The requirement for charity care was meant
3 to be included in the long-term care rules. However,
4 in our haste to meet the deadline for the rulemaking,
5 it was inadvertently left out of the financial
6 section. So it does not currently exist in 1125.

7 MR. URSO: But it needs to be in there.

8 MS. BERMAN: But it needs to be put back
9 in.

10 MR. PICK: It's still included in the
11 long-term care questionnaire. Facilities are
12 reporting how much charity care they're providing.
13 So, yeah, it needs to be coordinated.

14 CHAIRMAN WAXMAN: Mike, do you wish to
15 address?

16 MR. CONSTANTINO: It's information that
17 the board wants. That's why we're collecting it.

18 MR. SCAVOTTO: Does it apply to long-term
19 care or primarily hospitals?

20 MR. CONSTANTINO: The safety net
21 information does not. Charity care does.

22 MR. SCAVOTTO: So charity is primarily for
23 hospitals?

24 MR. CONSTANTINO: No, no. Safety net is

1 primarily for hospitals. Charity care we ask
2 separately for long-term care.

3 MR. SCAVOTTO: All right.

4 MR. CONSTANTINO: We don't ask for safety
5 net information for long-term care.

6 MR. PHILLIPPE: Who qualifies for charity
7 care? How does somebody qualify?

8 MR. CONSTANTINO: Tim, I couldn't tell
9 you. I don't really know.

10 MR. PHILLIPPE: You don't know what they
11 need?

12 MR. CONSTANTINO: No. No. We have been
13 receiving information from long-term care facilities
14 that they do provide some charity care.

15 MR. PICK: Mike, if my memory serves me
16 right, the questionnaire defines charity care as
17 unreimbursed services and that examples are given for
18 individuals who have no -- you know, examples are --
19 I'm trying to remember. It's been a long time since
20 I've looked at this. But examples are uncompensated
21 care. I interpreted that to mean individuals from
22 overseas who don't qualify for any benefits or you
23 have individuals who end up with a period of time when
24 they've exhausted their resources but Medicaid hasn't

1 begun.

2 MS. MITZEN: Bad debt.

3 MR. PICK: Well, no, it's not bad debt.

4 MS. MITZEN: A piece of it is bad debt.

5 MR. PICK: No. That's not where I'm
6 going. It's not bad debt. Bad debt is -- well, let
7 me finish.

8 Uncompensated care can be individuals who
9 have exhausted their resources but for whatever reason
10 the Medicaid application is approved at a later date,
11 so there's a gap.

12 That is not bad debt. Bad debt is
13 invoiced services that someone has chosen not to pay
14 that the organization is pursuing as a collectible
15 which eventually gets written off as bad debt.
16 There's an important distinction.

17 MS. HANDLER: It is an important
18 distinction.

19 MR. PICK: So in the -- so theoretically,
20 in the long-term care questionnaire facilities are
21 reporting for each fiscal year how much care is being
22 provided that is uncompensated. So whether it's
23 because you're a foreign national and you don't
24 qualify for benefits or you're an individual who

1 exhausted your resources and because -- and this
2 happens often -- applications weren't submitted on
3 time, they weren't completed in a timely manner, and
4 there may be a gap of time between exhausted resources
5 and Medicaid benefits beginning. That's it. You
6 know, billed services that are not paid is not charity
7 care. That's -- that's the distinction.

8 MR. PHILLIPPE: Michael?

9 MR. PICK: Yeah, if anybody else has any
10 input.

11 CHAIRMAN WAXMAN: Tim.

12 MR. PHILLIPPE: When I've been involved in
13 discussions about this, there are some people that
14 take a strong view that if somebody has run out of
15 resources and applied for Medicaid and there's a gap
16 that that's bad debt and that cannot be counted as
17 charity care.

18 MR. PICK: Oh, okay.

19 MR. PHILLIPPE: I think Jason's been
20 involved in some of those discussions, too. And so it
21 seems like the charity care concept is really driven
22 by issues with hospitals primarily where they have a
23 large amount of charity care and then organizations
24 have been trying to encourage charity care in

1 hospitals. And so I bring it up just so it's clear if
2 we need to have it in long-term care, it probably
3 needs to be well defined because it's confusing out
4 there what charity care really is.

5 MR. SCAVOTTO: The hospitals don't know
6 what it is.

7 MR. LOWITZKI: Well, and the hospitals --
8 well, this is going to be defined this session due to
9 the court cases and whatnot. I mean the charity care
10 issue is a big, complicated issue, but it's going to
11 be defined through legislation in this session.

12 MR. SCAVOTTO: So the point that I would
13 make back to Claire is that charity and safety net are
14 not on your chart.

15 MR. PICK: Everybody was trying to figure
16 out who Dave Lowitzki was.

17 (Laughter)

18 CHAIRMAN WAXMAN: Carolyn?

19 MS. HANDLER: Can I ask the staff to do
20 two things for our group --

21 CHAIRMAN WAXMAN: Please.

22 MS. HANDLER: -- in anticipation of this
23 work?

24 MS. AVERY: For your CON application work

1 group?

2 MS. HANDLER: Uh-huh.

3 MS. AVERY: Okay.

4 MS. HANDLER: The first one is to identify
5 the sections that are an outcome of the rules so that
6 these are required elements matching it up to the
7 rules.

8 And now I forgot the second one. I'll
9 think of it.

10 MR. URSO: Did you want the two sections
11 to be closer together?

12 MS. HANDLER: No, I just want them to go
13 through the application and say these are --

14 MR. URSO: So the rules for home and
15 community-based services --

16 MS. HANDLER: I'll think about it. It was
17 coming out of that thought, though.

18 CHAIRMAN WAXMAN: Chuck, do you wish to
19 address us?

20 MR. FOLEY: Well, obviously, I did in fact
21 go through the entire long-term care application form,
22 and I did write several notes. But as I sent an
23 e-mail to Courtney, I told her that the dog ate my
24 homework. And that was true. I did have it all

1 completed, but since I'm --

2 CHAIRMAN WAXMAN: Your dog did eat your
3 homework?

4 MR. FOLEY: Yeah. Since I'm not a
5 computer expert, I had it all written up, and, lo and
6 behold, for some reason or another, I forgot to save
7 it and I lost everything. But I am going to write
8 everything over again.

9 CHAIRMAN WAXMAN: Okay.

10 MR. FOLEY: And share it.

11 CHAIRMAN WAXMAN: Your comments are always
12 welcome, Chuck.

13 MR. FOLEY: And if there's anything I can
14 do to help to serve on the committee as a non-voting
15 member, I'd be more than glad to do so.

16 CHAIRMAN WAXMAN: Mr. Scavotto is
17 somewhere near you. If he'd like for you to
18 participate, it's his subcommittee -- subcommittee of
19 the subcommittee, so work that out with Mike. I'm
20 always happy to hear from you.

21 MR. FOLEY: Okay.

22 CHAIRMAN WAXMAN: I think we've gone
23 through all of the work group stuff. So unless
24 someone's objecting, I think we're at number 9, other

1 business. And I'm going to let Juan address other
2 business because he's been so quiet this entire
3 morning.

4 Juan, do you have any other business?

5 MR. MORADO: Yes. I'd just like to open
6 it up for anyone else to discuss their other business
7 at this time.

8 (Laughter)

9 MR. PICK: I think you have a future in
10 politics.

11 CHAIRMAN WAXMAN: For those of you who may
12 not understand this very serious concept, Juan was
13 introduced to us two days ago as a man of few words.
14 So I have been trying to find those few words and let
15 him share them. So I hope Juan doesn't think I'm
16 picking on him or being out of place. So, thank you.

17 MR. MORADO: No.

18 CHAIRMAN WAXMAN: Anyone from the
19 Springfield group wish to have any other business?

20 (No response)

21 CHAIRMAN WAXMAN: Anyone in this room have
22 any other business?

23 MR. PICK: I'd like to make a motion to
24 adjourn the meeting.

1 CHAIRMAN WAXMAN: We have one more step,
2 Eli.

3 MR. PICK: Oh, okay.

4 CHAIRMAN WAXMAN: Hold that motion.

5 MR. PICK: I'll table the motion.

6 CHAIRMAN WAXMAN: Our next meeting date is
7 March 20th. Is that a good date for most? I'm not
8 going to say all anymore.

9 MS. DEDERER: Uh-huh, it's good.

10 MR. PICK: I already have it on my
11 calendar. I think we already did this.

12 MS. HANDLER: I'd like to suggest that we
13 all meet together the next time, if possible, in one
14 room.

15 MR. URSO: A bigger room; right?

16 MS. HANDLER: Thank you.

17 CHAIRMAN WAXMAN: I think the committee is
18 well aware of my personal feelings on meeting in one
19 place all together, but I welcome suggestions. And
20 this is a democratic group, so we'll go by majority
21 rules.

22 Does anyone else feel that a one place
23 face-to-face would be useful when we go through all
24 these reports?

1 Phyllis, you look puzzled.

2 MS. MITZEN: Well, I'm not puzzled. I
 3 just -- it seems to me that meeting together means
 4 that we're going to have to spend -- all of us are
 5 going to have to spend at least an hour or two hours
 6 in transit someplace on either end of the meeting, and
 7 I just -- I mean it seems to me in this technological
 8 age we should be getting used to having these kinds of
 9 meetings where we can have -- I don't know whether
 10 this arrangement is the best arrangement, but I really
 11 vote for if we can -- I mean it took me 15 minutes to
 12 get here as opposed to the two hours.

13 CHAIRMAN WAXMAN: Well, as a point of
 14 reference -- and please don't misunderstand my next
 15 comment -- I left my house at 7:30 and got here at
 16 quarter till 10.

17 MS. HANDLER: Yeah, it took me a long time
 18 to get downtown, too.

19 MR. PICK: It took me ten minutes.

20 CHAIRMAN WAXMAN: So driving downtown is
 21 not -- I can get to Joliet a lot faster than I can get
 22 downtown.

23 MR. PICK: Well, just as a comment, I
 24 don't know if any of you or all of you have read the

1 Steve Jobs book, but one of the things he talks about
2 was the fact that technology, it eliminates the
3 person-to-person exchange and the values of
4 brainstorming face-to-face. So this is the CEO of a
5 very large technology company who really felt that it
6 was -- it diminished the benefits by using technology
7 as an equal substitute for brainstorming. So I would
8 tend to agree that, even though it's less convenient,
9 that we should not totally eliminate it, that we
10 should once in a while get back together.

11 MS. CREDILLE: I would say since we've had
12 a motion that we want to include outside
13 representatives, and whether it ends up being one or
14 three, that that meeting should be when we're all
15 around the table. That's only four weeks away.

16 MR. URSO: Yeah, you'd hate to have one
17 over there and one over here.

18 MR. LOWITZKI: In terms of March 20th, can
19 I --

20 MS. CREDILLE: I know that's our meeting,
21 but do you think they'll come?

22 MR. PICK: One discussion. One
23 discussion.

24 CHAIRMAN WAXMAN: I'm sorry?

1 MR. LOWITZKI: I don't know if it matters
2 for other people, but March 20th is Election Day,
3 which makes it very difficult for me to be there.

4 MS. MITZEN: Who's running for what on
5 March 20th?

6 MR. LOWITZKI: It's the primaries for
7 everything this year.

8 MR. PICK: Well, I abide by the Illinois
9 dictum, vote early and vote often.

10 (Laughter)

11 MS. DEDERER: No, that's the Chicago
12 dictum.

13 MR. PICK: Not just Chicago anymore, Teri.

14 MS. DEDERER: It's expanded? Okay.

15 MR. LOWITZKI: If its possible to change,
16 that would be very helpful because I know we won't be
17 able to send anybody on March 20th.

18 CHAIRMAN WAXMAN: How many people would
19 like to move the meeting from -- would like to move
20 the meeting off of the 20th?

21 MS. DEDERER: Is there any reason not to?

22 CHAIRMAN WAXMAN: I'm not hearing
23 anything, so --

24 MR. LOWITZKI: I would. Sorry. I would.

1 MS. DEDERER: I mean is there any reason
2 not to move it? Is that meeting --

3 CHAIRMAN WAXMAN: I'm sorry?

4 MS. DEDERER: Is that meeting set in
5 stone? Is it hard to move that?

6 MR. PHILLIPPE: It's tough.

7 CHAIRMAN WAXMAN: Well, again, people know
8 that and they have it in their calendar from two
9 meetings ago. But we are always -- you know, we're
10 never going to have everyone here at the same time,
11 obviously. So if it helps to move it to --

12 MS. AVERY: We have the date set up for
13 videoconferencing, so that will be the complicating
14 factor if we can find the space for the two locations.
15 But if we're meeting in person, I don't think we'll
16 have a challenge finding space in the Bolingbrook,
17 Joliet area.

18 CHAIRMAN WAXMAN: People in Springfield,
19 do you want to -- anyone have an opinion about meeting
20 face-to-face for that March 21st meeting?

21 MS. AVERY: March 20th.

22 CHAIRMAN WAXMAN: March 20th meeting.

23 MS. MITZEN: And I will take back my
24 suggestion, because I agree that the nature of the

DRAFT

1 next meeting really does lend itself to face-to-face.

2 CHAIRMAN WAXMAN: Thank you, Phyllis.

3 MS. AVERY: So we'll schedule that.

4 MS. HANDLER: We're changing the date?

5 CHAIRMAN WAXMAN: I don't know yet.

6 MS. CREDILLE: I would prefer to leave it
7 on the 20th.

8 MS. HANDLER: Yeah. Is there a reason to
9 change it other than one person?

10 MS. DEDERER: Well, it is Election Day.

11 MS. MITZEN: I would prefer moving it,
12 actually. I have a conflict that day that I was
13 intending to go to on either end of this.

14 CHAIRMAN WAXMAN: Does the 21st work for
15 everybody?

16 MR. PICK: No, Wednesdays are bad.

17 CHAIRMAN WAXMAN: Does the 27th work? Can
18 anyone not make the 27th?

19 MR. PHILLIPPE: 27th? I will not be --
20 this is Tim. I can't come a week later.

21 MR. PICK: Doesn't work for Carolyn.

22 MS. HANDLER: I won't be able to come.

23 MR. PHILLIPPE: I'm out of state.

24 MS. AVERY: How about the week before?

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1 MS. DEDERER: How about the 26th?

2 MS. AVERY: April 3rd?

3 CHAIRMAN WAXMAN: I'm fine with April 3rd.

4 MR. PHILLIPPE: Okay.

5 MR. PICK: Now we're at April 3rd?

6 CHAIRMAN WAXMAN: April 3rd.

7 MR. PICK: April 3rd works for me.

8 MS. HANDLER: I have a conflict. I'll
9 just change it. It's something fixed, so I'll have to
10 find a designee.

11 CHAIRMAN WAXMAN: Okay. So at this
12 meeting then we will have reports from Tim's
13 committee, reports from Mike's committee. Staff has a
14 couple of things that they're working on.

15 Courtney, you are going to contact the
16 twelve nursing home groups and get them to -- three
17 nursing home groups.

18 MR. PICK: Twelve?

19 CHAIRMAN WAXMAN: We've never included the
20 Illinois Nursing Home Administrators Association as a
21 group?

22 MR. PICK: They're not a provider group.
23 They're a professional group.

24 CHAIRMAN WAXMAN: Okay. Now on the table

DRAFT

1 is Eli's motion to adjourn. Anyone one want to
2 second?

3 MR. LOWITZKI: I'll second. Dave.

4 CHAIRMAN WAXMAN: We have a second from an
5 unidentified person, but thank you very much. All in
6 favor?

7 ("Ayes" heard)

8 CHAIRMAN WAXMAN: Any opposed?

9 (No response)

10 CHAIRMAN WAXMAN: I thank you all.

11 END TIME: 11:30 a.m.

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