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HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 West Jefferson Street, 2nd Floor

Springfield, Illinois 62761

217-782-3516

LONG TERM CARE ADVISORY SUBCOMMITTEE

MEETING

(January 14, 2014)

A Long Term Care Advisory Subcommittee meeting of the State of Illinois Health Facilities and Services Review Board was held on January 14, 2014, at the Illinois Department of Public Health, 525 West Jefferson, 2nd Floor, in Springfield, Illinois.

1 Board Members Present:

2

By Phone:

3 Michael Waxman - Chairman

4 Cecilia Credille

William Casper

5 Michael Scavotto

John Kniery

6 Charles Foley

Judy Amiano

7 Carolyn Handler

William Bell

8 Neyna Johnson

David Raikes

9 Greg Will

10

11 Staff Members Present:

12 Mike Constantino

Courtney Avery, by phone

13 George Roate, by phone

14

Also Present:

15 By Phone:

16 Tony Losasso

Jason Speaks

17 Kirk Reba

18

19 The Court Reporter:

20 Pamela K. Needham, IL CSR, MO CCR

Midwest Litigation Services

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St. Louis, MO 63101

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1 P R O C E E D I N G S

2 CHAIRMAN WAXMAN: Let's call the meeting  
3 to order. The new members are appointed by the  
4 Chair of the Mother Board, so I just would like to  
5 welcome our two new board members, Mr. Bell and  
6 Mr. Casper.

7 And for the benefit for all, if everyone  
8 would take two seconds and introduce themselves,  
9 indicate whether you are a board member, or a guest  
10 or visitor, and what you do, and then we'll move on  
11 to the rest of the agenda, please.

12 I guess I'll start. I'm Mike Waxman, I  
13 am, I am Chair of the Subcommittee, and I am, I do  
14 consulting work to long-term care and have been in  
15 long-term care for 25 years, give or take ten or  
16 something like that.

17 MS. CREDILLE: I'm Ceci Credille, I am a  
18 representative for Illinois Health Care Association,  
19 and I work, I work for HCR Manor Care and have been  
20 in the industry for 27 years.

21 CHAIRMAN WAXMAN: Thank you, Ceci.  
22 Somebody else?

23 MR. CASPER: This is Bill Casper, I am  
24 Vice-president of Residential Services at CJ Senior  
25 Life, and I've been in the industry for about thirty

1 years.

2 CHAIRMAN WAXMAN: Bill and I started  
3 when we were ten.

4 MR. CASPER: Five in my case.

5 CHAIRMAN WAXMAN: Somebody else, please?

6 MS. AVERY: Hi, it's Courtney.

7 MR. CHARLES FOLEY: And this is Charles  
8 Foley.

9 MR. SPEAKS: Yeah, this is Jason Speaks,  
10 Life Services Network, not a board member. We're  
11 calling in as interested parties.

12 MR. REBA: Kirk Reba also is here.

13 CHAIRMAN WAXMAN: Okay, what I'm asking  
14 people to do is go around and introduce themselves  
15 for the benefit of the two new employees -- two new  
16 staff members -- wait, excuse me, two new board  
17 members. Ceci has done it, Bill has done it, so  
18 would somebody else please pick and run with the  
19 ball so we can move forward? We have a quorum, so  
20 we can move forward.

21 MR. SCAVOTTO: This is Mike Scavotto,  
22 Management Performance Associates, I am a member of  
23 the committee.

24 MS. AMIANO: Good morning, Judy Amiano,  
25 President and CEO of the Franciscan Sisters of

1 Chicago Service Corp., and I've been in the industry  
2 longer than I care to admit.

3 CHAIRMAN WAXMAN: We make up numbers,  
4 Judy, so just go with -- go with it. Somebody else,  
5 please.

6 MS. JOHNSON: I'm Neyna Johnson, member  
7 Deputy State Long-term Care Ombudsman. I've been in  
8 the Aging Network for 29 years.

9 MR. GREG WILL: Greg Will, SEIU Health  
10 Care, member of the committee since a couple of  
11 years back.

12 CHAIRMAN WAXMAN: Okay, who -- who was  
13 it?

14 MR. GREG WILL: Greg Will.

15 CHAIRMAN WAXMAN: Oh, thank you, Greg.

16 MR. GREG WILL: I just joined. Thank  
17 you.

18 MS. HANDLER: It's Carolyn Handler, I am  
19 a member of the committee, and my background is in  
20 long -- is in end of life care.

21 CHAIRMAN WAXMAN: Somebody else, please?

22 MR. LOSASSO: This is Tony Losasso, I'm  
23 a Professor at the University of Illinois at  
24 Chicago, I am a health economist and not a member of  
25 the committee, but working with the committee to

1 study the effects of a buy bed -- buy/sell bed  
2 policy for long-term care in Illinois.

3 MR. BELL: And this is Bill Bell, I'm a  
4 new member of the committee, I was with Public  
5 Health for 33 years, and just last October moved  
6 over to the Illinois Health Care Association.

7 CHAIRMAN WAXMAN: Okay, somebody else,  
8 please?

9 (No response.)

10 MS. AVERY: Hi, who just joined us?

11 MR. RAIKES: Good morning, this is David  
12 Raikes, Happy New Year, everybody, I apologize for  
13 being late.

14 MS. AVERY: Oh, we're just getting  
15 started.

16 MR. RAIKES: Thank you.

17 CHAIRMAN WAXMAN: Somebody else? We're  
18 introducing ourselves to the two new board members,  
19 subcommittee members, so... somebody else?

20 I know we haven't heard from everybody.  
21 Mr. Foley?

22 MS. AVERY: He stepped out.

23 MR. KNIERY: Oh, this is John, this is  
24 John Kniery, I'll represent Mr. Foley, as well.  
25 Both with Foley and Associates Health Care

1 Consultants.

2 MS. AVERY: He's back.

3 CHAIRMAN WAXMAN: Is there anybody that  
4 hasn't? Courtney?

5 MS. AVERY: Yes.

6 CHAIRMAN WAXMAN: Do you want to do the  
7 initial personal introductions?

8 MS. AVERY: Yeah, I wanted to -- well,  
9 first of all, thank everyone for your flexibility,  
10 and just to say welcome to, the two Bills, Bill C  
11 and Bill B. So thank you for joining us this  
12 morning.

13 And is it possible to do a roll call of  
14 just the members so we'll know what subcommittee  
15 members are on, and I'll make sure we have a quorum.

16 CHAIRMAN WAXMAN: We did that already,  
17 but I guess we can do it again.

18 MS. AVERY: Oh, nevermind. I was in the  
19 wrong room. So that's okay.

20 CHAIRMAN WAXMAN: Well, you're probably  
21 in the wrong town to begin with anyway, so...

22 MS. AVERY: I'm on the wrong continent,  
23 I'm supposed to be in the Bahamas somewhere.

24 CHAIRMAN WAXMAN: Oh. How are you are  
25 feeling?

1 MS. AVERY: Much better, thank you.

2 CHAIRMAN WAXMAN: Okay. In that case, I  
3 need a motion to approve today's agenda.

4 MS. AVERY: And let me make one  
5 correction to the agenda. Although UIC is on the  
6 line, we thought that they would not, Dr. Losasso  
7 wouldn't be present today, but apparently he is, and  
8 I'll just address where we are when we get to that  
9 item, but at this point we don't have any kind of  
10 report on the status of their work.

11 CHAIRMAN WAXMAN: Okay.

12 MR. SCAVOTTO: It's Mike Scavotto, I  
13 will move the agenda.

14 (Motion made by Mike Scavotto.)

15 CHAIRMAN WAXMAN: Need a second?

16 MR. RAIKES: Second it.

17 (Motion seconded by David Raikes.)

18 CHAIRMAN WAXMAN: Would you identify  
19 yourself who made the second?

20 MR. RAIKES: David Raikes seconded.

21 CHAIRMAN WAXMAN: Thank you, David. All  
22 in favor?

23 (All in favor voted in the affirmative.)

24 CHAIRMAN WAXMAN: Any opposed?

25 (None opposed.)

1 CHAIRMAN WAXMAN: Agenda is approved. I  
2 need a motion to approve the minutes of the  
3 transcript of September 17th, please.

4 MS. AMIANO: This is Judy Amiano, I will  
5 move.

6 (Motion made by Judy Amiano.)

7 CHAIRMAN WAXMAN: Thank you, Judy. Need  
8 a second.

9 MR. SCAVOTTO: Mike Scavotto, second.

10 (Motion seconded by Mike Scavotto.)

11 CHAIRMAN WAXMAN: Thank you Mike. All  
12 in favor?

13 (All in favor voted in the affirmative.)

14 CHAIRMAN WAXMAN: Any opposed?

15 (None opposed.)

16 CHAIRMAN WAXMAN: Motion carries.

17 Our sincere thank you and welcome to the  
18 two new members, Mr. Bell and Mr. Casper, so we're  
19 glad to have you on our committee.

20 MS. AVERY: And Mr. Waxman?

21 CHAIRMAN WAXMAN: Yes, ma'am.

22 MS. AVERY: Mr. Casper will serve in a  
23 one-year term, Mr. Bell will serve in a  
24 three-year-term.

25 CHAIRMAN WAXMAN: Okay. And those, of

1 course, can be re -- reappointed, so --

2 MS. AVERY: Yeah.

3 CHAIRMAN WAXMAN: -- it's just a  
4 matter...

5 Again, for point of information, at the  
6 beginning of this year, at the end of last year we  
7 decided to go into one, two and three-year terms for  
8 the purpose of having some rotation, and that's how,  
9 you know, it was -- it was volunteer for one, two or  
10 three, and then we appointed those who didn't  
11 volunteer or weren't participating. So it's just a  
12 method of getting a rotation started after we've  
13 been around for a while.

14 Mr. Urso is not part of our group?

15 MS. AVERY: No, Mr. Urso is over at the  
16 Joint Committee and Administrative Rules meeting,  
17 and he just asked that I give you all a heads up  
18 that the ethics change will be coming, and Kathy  
19 will be sending out that information, and when you  
20 get it to please return it, or we may have it  
21 available if we have a February meeting.

22 CHAIRMAN WAXMAN: Okay.

23 MS. AVERY: And it's the same one that  
24 we have to do every year. Every calendar year.

25 CHAIRMAN WAXMAN: Okay. It looks like

1 we're up to the point where UIC will not be present,  
2 but they are, so... Courtney?

3 MS. AVERY: Okay. And Mr. Losasso  
4 can -- Doctor, can jump in at any time.

5 We are in the final stages of having all  
6 of the appropriate parties to sign off on the  
7 contract with UIC, and I know that there's some work  
8 that's being done. There was, it was signed off on  
9 it, then there was some discussion about some of the  
10 costs that were included in the contract, so we have  
11 to go back and renegotiate that, so we're just  
12 waiting on that to be returned from the university.  
13 And hopefully --

14 CHAIRMAN WAXMAN: Okay.

15 MS. AVERY: And hopefully, if we have a  
16 meeting date, I got late to mid -- mid to late  
17 February, we will probably have a preliminary  
18 finding from the university at that point or some  
19 kind of feedback from them at that point.

20 Do you think that's an appropriate time  
21 line Dr. Losasso?

22 DR. LOSASSO: Yeah, yes; thank you,  
23 Courtney. That is our plan, and we are, you know,  
24 though we -- you know, who would have thought that  
25 the State would have such a hard time reaching

1 agreement with itself, but then again, this is  
2 Illinois. So, so anyway, there was a little, yeah,  
3 a little bit of a couple of wrinkles there in  
4 December, but we've, nevertheless, started working  
5 in earnest on the, on the project, and our plan is  
6 to be there in February, you know, at whatever  
7 meeting date you decide upon, to present our, our  
8 preliminary report and recommendations.

9 CHAIRMAN WAXMAN: Thank you, Doctor.

10 Any questions for Dr. Tony -- Dr. or Tony, whatever  
11 you prefer.

12 DR. LOSASSO: Tony is fine.

13 CHAIRMAN WAXMAN: Okay, any questions  
14 for Tony fine?

15 MR. SCAVOTTO: Yeah, I have one, this is  
16 Mike Scavotto. What have -- what are you doing so  
17 far?

18 MR. LOSASSO: So yeah, thanks for the  
19 question. The, what we've been, what we've been  
20 looking carefully at are data from the state of Ohio  
21 where there has been, as both of you know, a buy and  
22 sell policy in place for a number of years, actually  
23 over 20 years, and so right now we are studying  
24 that, and we're using it as a, as a template,  
25 knowing, though, that, you know, each state is

1 different in very important ways, but we think it's,  
2 it is one of the -- it is an important I think  
3 template that we can draw information and lessons  
4 from in, in forming some of the, some of what's --  
5 well, some of what we are trying to learn about if,  
6 if Illinois, if Illinois were to implement a program  
7 similar to that.

8           So a lot of our work, yeah, is around,  
9 is doing data analysis, and we are -- I mean in  
10 brief, we're sort of building a model, if you will,  
11 of, of, to essentially try to predict buying and  
12 selling behavior using Ohio's data as, as kind of a,  
13 like I said, template, and then we'll be applying  
14 that, what we learn from Ohio, to Illinois. So, so  
15 it's sort of a simulation model, if you will, but it  
16 will be informed by, by the policies, and there  
17 actually were two policies in Ohio, an initial one  
18 for much of the time that just allowed buying and  
19 selling with, largely within counties, or  
20 neighboring counties, and then that was broadened  
21 about four years ago to allow for wider -- wider  
22 sales, so, across counties. Or within the state.

23           So, so we're learning, we're learning a  
24 lot from that, and, and then, you know, reviewing  
25 other literature out there, there is not a great

1 deal of published or unpublished literature on the  
2 topic, so, you know, that, it doesn't take too long  
3 to review that. And then, you know, we're  
4 looking -- and we're looking at other examples of  
5 kind of similar programs of buying, of sort of  
6 trade, kind of tradeable permits of some sort, or  
7 tradeable licenses that don't -- not necessarily  
8 specific to long-term care in order to, to learn  
9 about -- in order to basically answer the questions  
10 that the committee wanted to, wanted us to answer.

11 CHAIRMAN WAXMAN: Mr. Scavotto, I'm  
12 sorry, go ahead.

13 MR. SCAVOTTO: Well, I just wanted to  
14 follow-up on that question. If we're using Ohio as  
15 a foundation for everything involved, what do you  
16 like and what don't you like about Ohio?

17 MR. LOSASSO: Well, we're not really  
18 prepared to say that, or to -- stay tuned I think is  
19 my short answer on that.

20 MR. SCAVOTTO: All right, I'm done, Wax.

21 CHAIRMAN WAXMAN: Tony, I just want to  
22 make sure that you were given all of the work that  
23 Claire had done earlier?

24 MR. LOSASSO: Yes, yes, we do have all  
25 of Claire's work.

1                   CHAIRMAN WAXMAN: Thank you. Other  
2 questions for Tony?

3                   MS. AMIANO: This is Judy. I'd just  
4 like to ask, we, in the early time we had also  
5 looked at a couple of other states, so I just want  
6 to make sure I'm understanding, it sounds like  
7 you're just taking the Ohio model, but not  
8 necessarily taking aspects from each of the models  
9 that we looked at that we liked and, in formulating  
10 it, you're just testing Illinois against the Ohio  
11 model? Would that be a correct statement?

12                  MR. LOSASSO: Well, what we're really  
13 trying to learn, we're trying to use the, the Ohio  
14 experience that, to tell us, to essentially kind of  
15 create a model of buying and selling behavior once  
16 nursing homes, nursing homes are allowed to buy and  
17 sell beds, and so, you know, it's, we've paired,  
18 we've paired the, I mean one of the virtues of Ohio  
19 is it's sort of, there's a convenience factor, it's  
20 just that we were able to readily get access to the  
21 transactions data dating all the way back to the  
22 beginning of the program, and Claire helped us  
23 obtain that.

24                  And so, so we've paired that with, with  
25 nursing home data that my colleague Tamar Kaneska

1 already had in hand, so this includes so called  
2 Oscar data, among other datasets that she's put  
3 together, so we know details of the facility, who  
4 buys, who sells, and sort of what characteristics  
5 predict buying and/or selling.

6 And so the goal will be, once we have  
7 built this model, will be then to take this over to  
8 the Illinois nursing home data and see if we can  
9 make some predictions about what the likely effects  
10 are going to be if, if such a policy were, were  
11 enacted here in Illinois, and what, and what sort  
12 of -- you know, again, Ohio has kind of two, two  
13 policies in one, because in one case there was  
14 geographic restrictions for much of the time, and  
15 then those were lifted, so that gives us a little  
16 more flexibility. Now there is, as you know, there  
17 is, you know, there's a thousand kind of nuances  
18 specific to each circumstance in Ohio, and of  
19 course, in Illinois, so, you know, we want to make  
20 sure that we have time to qualify whatever we find  
21 and, you know, based on that.

22 CHAIRMAN WAXMAN: Any other questions  
23 for Tony?

24 (No questions.)

25 CHAIRMAN WAXMAN: Okay, thank you, Tony,

1 we'll look forward to more information as you put it  
2 together.

3 MR. LOSASSO: Thank you.

4 CHAIRMAN WAXMAN: Courtney, legislative  
5 initiatives?

6 MS. AVERY: Okay, at this point just  
7 wanted to give an update on any initiatives that the  
8 Board was going to look towards in the spring, some  
9 legislative session, and no, we don't have any that  
10 would affect long-term care.

11 CHAIRMAN WAXMAN: Okay.

12 MS. AVERY: I know there were some  
13 concerns, people were thinking -- or calling to ask  
14 what the Board was going to do, but no, the Board  
15 isn't doing anything with legislation that would  
16 affect long-term care at this point.

17 CHAIRMAN WAXMAN: Okay. Are there any  
18 changes -- to deviate slightly, are there any  
19 changes to the Mother Board that we need to know  
20 about?

21 MS. AVERY: No. Same, same nine members  
22 are still in place.

23 CHAIRMAN WAXMAN: Okay. There is a new  
24 Chair.

25 MS. AVERY: Oh, well, yeah, Kathy Olson.

1 She's been there for a couple of meetings.

2 CHAIRMAN WAXMAN: Okay.

3 MS. AVERY: And Dale has, as everyone  
4 knows, has been reappointed.

5 CHAIRMAN WAXMAN: Yes. Okay.

6 MS. AVERY: But nothing since our last  
7 meeting in September.

8 CHAIRMAN WAXMAN: Okay. Item 8:  
9 Inventory of Health Care Facilities and Need  
10 Determination. I've had some conversations with  
11 several people, part of the committee, not part of  
12 the committee, who expressed some concerns about  
13 IDPH's latest bed count data that clearly shows by  
14 their calculation that there are only five regions  
15 or five areas that, that have a bed need in the  
16 State of Illinois, and those numbers are very very  
17 small, and the concern was that that, in and of  
18 itself, would prevent the nursing homes from seeking  
19 CON's and/or seeking remodeling and adding beds and  
20 all that good stuff.

21 My discussions internally with staff and  
22 with other people, and I'll let Courtney, you know,  
23 go after this, is that that report is only one piece  
24 of many that the Board and staff will look at;  
25 therefore, people should not under any circumstances

1 be afraid to come before the Mother Board with an  
2 application. They will all be looked at under  
3 several different criteria, so those that have a bed  
4 need, a demand need, want to, want to provide unique  
5 services, would all be looked at, and recent history  
6 indicates that several have been approved.

7 So Courtney, do you want to add to that,  
8 or talk about that a little bit more so that there's  
9 some comfort level of, of this group, that we are in  
10 business for the long-term?

11 MS. AVERY: Right. The Board accepts  
12 applications as they come in. There's nothing that  
13 prohibits the Board from looking at an application.  
14 And again, that's the one criteria that is probably  
15 not met or will be a negative in an SAR, because any  
16 others, based on the bed reports, that there is not  
17 a need in the area in which the applicant is  
18 applying. But the applicant has the ability to  
19 justify why they need to add beds, why they need to  
20 modernize the facility. I think that establishments  
21 will be a little difficult at this point without a  
22 bed need, but the other services and modernizations,  
23 if it's justifiable, should not prohibit anyone from  
24 submitting an application. I can't say that they  
25 will be approved or not, but as we know, the

1 facilities in the State of Illinois are aging, most  
2 of them that come for modernization are converting  
3 from multiple bed rooms to single, and they're  
4 sometimes asking for additional beds, and if they  
5 have a waiting list or something that's affecting  
6 that community where people have to migrate out,  
7 then they can make that argument, but there is  
8 nothing that will prohibit a facility from  
9 submitting an application based on the bed need  
10 report.

11 And Mike and George can chime in,  
12 because they work with it more than I do.

13 CHAIRMAN WAXMAN: Gentleman? Do you  
14 wish to add to Courtney's remarks?

15 MR. CONSTANTINO: That said it pretty  
16 well I think.

17 MS. AVERY: Yeah, at this point there is  
18 nothing that would prohibit -- actually, we've had a  
19 couple of discussions with entities that were  
20 concerned about their facilities and wondering if  
21 they would be able to submit an report -- a  
22 application, and we've said yeah, you should. If  
23 you have to make the argument to the Board, the  
24 justification for increasing your beds, or whatever  
25 you're doing and the need or -- and why you want to

1 modernize.

2           You know, the way that people are  
3 expecting out of facilities nowadays, the Board does  
4 not want to prohibit that. No one wants to be in a,  
5 what, two or three-unit facility, bed facility, and  
6 you don't have privacy, I mean we've heard the  
7 stories, and the Board does listen, and I think the  
8 applicants do a great job at justifying why they  
9 need to do whatever it is that they're trying to do.

10           MR. FOLEY: This is Charles Foley. May  
11 I make a comment?

12           MS. AVERY: Sure.

13           MR. FOLEY: What you're saying also is  
14 that it does, it does, in fact, prohibit providers  
15 wanting to build a new facility if not in the area  
16 where there's an identified bed need. If they, I  
17 mean if they went in and filled also to build a, a  
18 new facility --

19           MS. AVERY: Are you talking about  
20 establishment.

21           MR. FOLEY: To establishment of a new  
22 facility, you're saying that would be much more  
23 difficult to do.

24           MS. AVERY: I think so without a,  
25 without a documented bed need.

1 MR. FOLEY: Okay, what if they did a  
2 market study, and the market study does, in fact,  
3 could, in fact, show a bed need?

4 MS. AVERY: I don't know how the market  
5 study would differ from what we have, but...

6 MR. FOLEY: Well, it, it could, it could  
7 show the realization of what's going in within the  
8 community. I mean an area will show that there is  
9 an excess of beds in a planning area, but obviously,  
10 as we all know, there's a lot of reasons as to why  
11 we have excess beds in a planning area.

12 MS. AVERY: Right.

13 MR. FOLEY: And a market study could, in  
14 fact, would, in fact, go in and do a comparative  
15 analysis of each and every single facility.

16 MS. AVERY: And I would think that a  
17 market study would be looked upon as additional  
18 information to support the application.

19 MR. FOLEY: Right.

20 MS. AVERY: We don't analyze the market  
21 study, per se, against -- because there's nothing in  
22 our rules that allows us to look at a market study  
23 versus our bed determination report. So it can be  
24 considered as additional information, or public  
25 comment or something, but there's nothing for us to

1 say, oh, well, we'll take the market study instead  
2 of the bed need report. We have to use the bed need  
3 report, because that's what governs in the law with  
4 the statute and the rules.

5 MR. FOLEY: So that it's a matter of  
6 just going before the Board and just telling your  
7 story as to why you feel that there is a demand or a  
8 need for beds in a particular area.

9 MS. AVERY: If I was an applicant, yes,  
10 that's what I would do.

11 MR. FOLEY: Okay. And then with the  
12 modernization, obviously the problem we have,  
13 because our office is, in fact, now representing  
14 facilities both for-profit and also  
15 not-for-profit --

16 MS. AVERY: Mm-hmm.

17 MR. FOLEY: -- providers, and they want  
18 to modernize their existing facility, but to  
19 modernize, they need to add beds. And obviously if  
20 there's not a bed need, then again what you're  
21 saying, as long as you could go in and justify that,  
22 would you also want a market study, as well?

23 MS. AVERY: No; for instance, the  
24 discussion we had yesterday where they're  
25 documenting that they have, this particular facility

1 had to turn away 62 patients that had to migrate out  
2 of the community into other areas in order to get a  
3 bed, and where hospitals have stopped making  
4 referrals because they don't have a bed available  
5 for their patients that they want to refer out, I  
6 think that the argument needs to be made to the  
7 Board to demonstrate the evidence that yes, this is  
8 what's happening.

9 A market study may encompass that, or it  
10 may be a statement, or it may be some letters of  
11 support from facilities in the area, from the  
12 hospitals who are trying to make those referrals and  
13 the patients are being turned away, because this  
14 facility can't accommodate them.

15 Now how you address the underutilization  
16 in the other facilities in that area is a different  
17 story.

18 MR. FOLEY: Okay. I guess sometimes the  
19 reluctance is filing an application where there is  
20 not a, a specific rule that would cover it, and I  
21 guess, you know, maybe what the subcommittee might  
22 want to consider doing is possibly, since there are  
23 so many areas in the state where there's not a need  
24 for beds, to consider the possibility of creating  
25 some additional variances, such as a high occupancy

1 variance, the ability, since it is also the, our  
2 objective of the Board to get rid of what we can in  
3 terms of all these dead beds out there, maybe we  
4 could create a variance that would, or could force  
5 providers if they want to, if they are a multi  
6 facility owner/operator and they own and operate  
7 other facilities, maybe to get rid of some of those  
8 dead beds if they want to add beds or build a new  
9 facility. This is a good way for the Board then to  
10 get rid of a lot of those excess beds in the state.  
11 And the other way this could be accomplished would  
12 be through the establishment of a variance. So I  
13 think the committee should at least seriously  
14 consider looking into this.

15 Comments from anybody?

16 MS. AMIANO: This is Judy. I think  
17 that, you know, nothing will happen until we get the  
18 report that has been commissioned, and, you know, I  
19 would like to see that, you know, these kind of  
20 consultative kind of things about how to file  
21 applications not be at our board meetings, but in  
22 direct communication with staff who can help with  
23 those things. Because we sometimes get spinning in  
24 circles when we start going down, you know, how  
25 should applicants file; and if we do that, it's

1 really not a board or a committee conversation at  
2 this point in time. That's just my two cents.

3 CHAIRMAN WAXMAN: All right, this is  
4 Mike, I, you know, I wanted it on the agenda just to  
5 make sure that committee members were aware that the  
6 new numbers that the State is looking at does not  
7 preclude anybody from coming before the Mother Board  
8 with an application. That's what I wanted to  
9 accomplish, and I think we did that, so...

10 MR. FOLEY: Could we -- Michael, is it a  
11 possibility that we could create some sort of a  
12 workgroup to at least look into this?

13 CHAIRMAN WAXMAN: Chuck, I'm never  
14 opposed to looking at any issues; I would ask you as  
15 a favor to table it to February. I think a face to  
16 face meeting for that kind of discussion is much  
17 more productive than a telephone conference, if you  
18 would bear with me.

19 MR. FOLEY: I don't have a problem with  
20 that, sir.

21 CHAIRMAN WAXMAN: Okay.

22 MR. FOLEY: I respect my elders, that's  
23 okay.

24 CHAIRMAN WAXMAN: Okay. Score one for  
25 Mr. Foley.

1 MS. CREDILLE: This is Ceci, I have a  
2 comment, is the representative from University of  
3 Illinois still on the phone?

4 MR. LOSASSO: Yeah. Hi.

5 MS. CREDILLE: I would wonder and, I  
6 mean I don't know, given this discussion, and I  
7 don't know the status of Ohio, whether there was, if  
8 I recall from data there was a moratorium on beds,  
9 and that's how they landed in the buy/sell, but  
10 is...

11 MR. LOSASSO: There was a moratorium,  
12 yeah.

13 MS. CREDILLE: And so I don't want  
14 anyone to come through the phone when I say this,  
15 but this, while folks can apply for a CON with  
16 limited bed needs, it becomes sort of an artificial  
17 moratorium now with no identified bed needs. And so  
18 if there, if there can be consideration in your  
19 study related to the situation that is now occurring  
20 in Illinois where there is limited bed need, given  
21 the current bed need formula and the implications  
22 then on why buy/sell would be an option for  
23 providers.

24 MR. LOSASSO: Yeah, I think it's a great  
25 point, and it is something that's on our radar. I

1 mean I will just say that, yeah, we're aware that  
2 there's, while there is not a moratorium in the  
3 State of Illinois on long-term care beds, we have  
4 the data on applications, and, and we are, we're --  
5 we're using that information, you know, accordingly.

6 MS. CREDILLE: Thank you.

7 CHAIRMAN WAXMAN: Any other questions  
8 for Courtney or part of this discussion from  
9 anybody, please?

10 MR. FOLEY: Well, I think it would be  
11 very interesting -- this is Charles Foley again -- I  
12 think it would be very interesting to receive this,  
13 this report from the university. Yes, obviously it  
14 is another option, since the industry hands are now,  
15 are now somewhat tied, and that there are several  
16 areas in the state where there is no activities to,  
17 you know, to add beds, so I think this report  
18 becomes very important.

19 That, also coupled with our discussion  
20 hopefully also, Michael, in February on the, on the  
21 possibility of creating some sort of a workgroup to  
22 look at some different kinds of variances that we  
23 could possibly include in the rules.

24 CHAIRMAN WAXMAN: Well, we've had  
25 several different discussions about variances, and I

1 think even some of them came through Mike's  
2 committee when they were looking at the application,  
3 itself.

4 MR. FOLEY: You're absolutely correct.  
5 That's correct.

6 CHAIRMAN WAXMAN: You know, it's not a  
7 new, it's not a new topic, so we can certainly bring  
8 it back.

9 MR. FOLEY: Okay.

10 CHAIRMAN WAXMAN: Any other comments?

11 (No response.)

12 CHAIRMAN WAXMAN: Okay. Then I would  
13 like to see if we can have a February face to face  
14 meeting. I heard that late in the month is better,  
15 that we would be looking at information from Tony  
16 and his group. So does somebody have a, a date --  
17 Courtney, do you have a date in mind?

18 MS. AVERY: Yeah, I was thinking  
19 sometime the week of February the 17th, but can we  
20 hold for one second? Mr. -- we're in a, we need to  
21 switch a room, because someone's coming in. So give  
22 me one second, I'm just going right around the  
23 corner.

24 CHAIRMAN WAXMAN: We're going to hang  
25 up?

1 MS. AVERY: I already started on that  
2 line, so I'll be right with you.

3 CHAIRMAN WAXMAN: Okay. Ceci, are you  
4 still here?

5 MS. CREDILLE: Yes, I am.

6 CHAIRMAN WAXMAN: This is very  
7 inappropriate, but that's kind of how I do things,  
8 so... last time we said -- we had a face to face  
9 meeting I asked if you would consider stepping into  
10 Mr. Pixel's roll of second chair just so we have a  
11 back-up. Have you had any chance to think about  
12 that? And any decision?

13 MS. CREDILLE: Yeah, can we talk off  
14 line about that, Michael?

15 CHAIRMAN WAXMAN: Yeah, absolutely.  
16 Like I said, it was inappropriate, but I thought I'd  
17 go for it.

18 MS. CREDILLE: Thank you.

19 MS. AVERY: Okay. So we don't have a  
20 board meeting in February, do we, Mike?

21 MR. CONSTANTINO: No, March 11th is the  
22 next one.

23 MS. AVERY: So the week of February the  
24 18th, or that last week?

25 CHAIRMAN WAXMAN: I can do any day but

1 Tuesday in February.

2 MS. AVERY: Okay, that's --

3 MR. FOLEY: Is that the Tuesday, the  
4 18th?

5 CHAIRMAN WAXMAN: Yeah, I'm taking  
6 courses, I'm taking a course every Tuesday in  
7 February.

8 MR. FOLEY: Okay.

9 MS. CREDILLE: Do we want to do February  
10 19th or February 26th? This is Ceci.

11 CHAIRMAN WAXMAN: I can do either of  
12 those two dates. Although I'm not the --

13 MS. AMIANO: This is Judy --

14 CHAIRMAN WAXMAN: -- but I can.

15 MS. AMIANO: Yeah, this is Judy Amiano,  
16 I can't do either of those dates.

17 CHAIRMAN WAXMAN: Judy, what date can  
18 you do?

19 MS. AMIANO: It looks like the only date  
20 I can do is Friday the 21st.

21 CHAIRMAN WAXMAN: I'm good on that date.  
22 How does that work for anybody else?

23 MR. SCAVOTTO: It's good for me. Mike  
24 Scavotto.

25 CHAIRMAN WAXMAN: I'm okay.

1 MS. AVERY: Mike and George, can you  
2 make sure Frank doesn't have a hearing? I know  
3 there's a hearing coming up, but I don't think it's  
4 one of those dates.

5 MR. CONSTANTINO: It's February 2nd --  
6 or 3rd and 4th, Courtney.

7 MR. CASPER: 21st would work for me.  
8 Bill Casper.

9 MS. HANDLER: 21st would work for me,  
10 it's Carolyn Handler.

11 MR. ROATE: Courtney, according to the  
12 calender the 21st is open for February for all state  
13 staff.

14 MS. AVERY: Okay, great. Thank you.

15 MS. HANDLER: How about the University  
16 of Illinois folks?

17 MR. LOSASSO: I will -- I'll make it  
18 work for my team.

19 CHAIRMAN WAXMAN: That's the attitude.

20 MS. JOHNSON: This is Neyna. It works  
21 for me.

22 MR. RAIKES: This is David Raikes. It  
23 works for me, thank you.

24 MS. AVERY: Okay, so I will check  
25 availability for -- is the preference Bolingbrook.

1 CHAIRMAN WAXMAN: I like Bolingbrook.

2 Does anyone have a different suggestion than the

3 Golf Club in Bolingbrook?

4 MR. SCAVOTTO: Sounds great.

5 MS. JOHNSON: Would we be able to do it

6 via telephone?

7 MS. AVERY: I will make sure we will be

8 able to do it, but those -- because of travel, but

9 if you can make it, that will be great, but I'll get

10 a conference phone.

11 MS. JOHNSON: Okay.

12 MS. AMIANO: Would it be possible to

13 start at, you know, 8:30 or 9 so we head straight

14 there versus going to an office and then coming?

15 MS. AVERY: For those who have to

16 travel, I think that should be discussed amongst you

17 all who have to come from down state. Mike, George,

18 Neyna? Mr. Raikes. A couple -- and Bill Bell.

19 MR. CONSTANTINO: I don't have a

20 problem, Courtney, if you want to start earlier. I

21 don't know, George?

22 MR. ROATE: Yeah, we can just leave

23 earlier. Not a problem here.

24 MS. AVERY: Mr. Raikes and Neyna?

25 MR. RAIKES: I think it works, that's

1 fine.

2 MS. AVERY: Okay. Mr. Bell?

3 MR. BELL: Yeah, I may be on the road  
4 that day, but if not, I can, I can make it up.

5 MS. AVERY: Okay.

6 CHAIRMAN WAXMAN: So 8:30, 9?

7 MS. HANDLER: 9 would be my preference.

8 CHAIRMAN WAXMAN: Judy, is 9 okay?

9 MS. AMIANO: It's perfect, yes; thank  
10 you for considering it.

11 CHAIRMAN WAXMAN: So if we start  
12 earlier, that means we go later, so 9 to 3?

13 MS. AVERY: Okay, I'll put that on the  
14 agenda.

15 CHAIRMAN WAXMAN: Just teasing.

16 MS. AVERY: Oh, okay.

17 CHAIRMAN WAXMAN: Okay. Any -- okay, so  
18 that's February meeting. Any other business for  
19 the, for the subcommittee?

20 (No response.)

21 CHAIRMAN WAXMAN: For the new members'  
22 benefit, when we meet at the Bolingbrook Golf Club,  
23 we typically have the ability to order lunch, and we  
24 sort of work through lunch, and a menu will be sent  
25 out, and you place your order and send yours in,

1 and...

2 MS. AVERY: Yeah, Kathy will be sending  
3 those out.

4 CHAIRMAN WAXMAN: And Kathy collects  
5 dollars, so you will not starve. But, and if you  
6 haven't been to the Bolingbrook Golf Club, it is a  
7 beautiful facility, and they give us the big room,  
8 although you will notice that it kind of leans to  
9 one colloquial party than the other, but that's  
10 okay.

11 Any, any other business before the  
12 subcommittee? And I appreciate everyone taking time  
13 to do the teleconferencing, and I think we  
14 accomplished what we needed to do today and set up  
15 the prospect for a good face to face meeting next  
16 month.

17 If you have any items that you want on  
18 the agenda, please get them to Claire and Courtney.  
19 Did we ever find out what happened to Claire?

20 MS. AVERY: Oh, Claire's at the Joint  
21 Committee on Administrative Rules.

22 CHAIRMAN WAXMAN: Oh, okay.

23 MS. HANDLER: Michael, it's Carolyn  
24 Handler. Is it possible for staff to prepare a list  
25 of all the committee members now and the terms so

1 that now that we have new people we have, you know,  
2 updated contact information for everyone.

3 MS. AVERY: Yeah, we prepared it, and I  
4 didn't add the terms, but we will add the terms on  
5 it. And we just updated it yesterday, and I have  
6 intended to send it out today, but I'll get it out  
7 this week.

8 MS. HANDLER: That's great. Thank you  
9 so much, Courtney.

10 MS. AVERY: Is there any information  
11 that people don't want included on there?

12 CHAIRMAN WAXMAN: Our ages.

13 MS. AVERY: Age isn't on there.

14 MS. HANDLER: The number of years that  
15 you've been working.

16 MS. AVERY: Number... because that  
17 dictates your age.

18 CHAIRMAN WAXMAN: Hey Courtney.

19 MS. AVERY: Yes.

20 CHAIRMAN WAXMAN: For the benefit of  
21 all, can you do a quick staff summary, like I think  
22 people know that Lon is gone from your, from the  
23 staff, and --

24 MS. AVERY: Oh, yeah, okay. Alexis left  
25 in August, end of August?

1 MR. CONSTANTINO: Yeah, something like  
2 that.

3 MS. AVERY: And we have not replaced  
4 those two positions at this point. What is going on  
5 with Alexis' duties were compliance and legislative  
6 affairs. We, I don't -- most of you may know Mike  
7 Mills. Mike Mills has rejoined the Board after  
8 retiring from DHS on a seventy five-day contract  
9 through the State of Illinois working directly with  
10 the Board to help us to catch up on the back log of  
11 compliance issues and things of that nature. Don  
12 Williams was also doing most of that work, and I was  
13 supposed to take the lead on it, but of course, I  
14 have no clue, so the two of them are now the main  
15 point persons, Mike Mills and Don Williams on  
16 helping out with the compliance.

17 As far as legislative affairs is  
18 concerned, and most of you all probably know Ann  
19 Guile also, she is on a personal services contract  
20 with the Board to help out with the legislative  
21 initiatives for this spring's session.

22 So we are in the process of getting  
23 approvals to hire for Juan's position, because  
24 Alexis had moved into Juan's position, she was  
25 promoted into the Assistant General Counsel, and

1 then she left. So we're, we're looking at getting  
2 that position filled. That will be the priority.

3 CHAIRMAN WAXMAN: Thank you.

4 MS. AVERY: Everyone else is still  
5 intact.

6 CHAIRMAN WAXMAN: Okay.

7 MS. AVERY: Mike and George aren't going  
8 anywhere, Frank's still with us, and Claire.

9 CHAIRMAN WAXMAN: Okay. Any questions  
10 for staff before I seek a motion to adjourn?

11 (No response.)

12 CHAIRMAN WAXMAN: Any other issues that  
13 anybody wishes to bring up?

14 (No response.)

15 CHAIRMAN WAXMAN: Then I --

16 MS. AVERY: Oh, one other thing, I'm  
17 sorry.

18 CHAIRMAN WAXMAN: That's okay.

19 MS. AVERY: We will contact Mr. Scavotto  
20 directly, but we will definitely have you on the  
21 February agenda, Mr. Scavotto.

22 MR. SCAVOTTO: Well, Mr. Scavotto can't  
23 make the 21st.

24 MS. AVERY: Oh. Okay, well, we'll have  
25 you on the next one.

1 MR. SCAVOTTO: That sounds like a better  
2 plan.

3 MS. AVERY: Okay.

4 CHAIRMAN WAXMAN: Mike, you traveling.

5 MR. SCAVOTTO: I am traveling on that  
6 date.

7 CHAIRMAN WAXMAN: New Mexico?

8 MR. SCAVOTTO: No, I'm actually  
9 traveling on business on that date.

10 CHAIRMAN WAXMAN: Oh, that's a sad  
11 commentary.

12 MR. SCAVOTTO: Yes, that's the way it  
13 goes.

14 CHAIRMAN WAXMAN: I, I need a motion to  
15 adjourn.

16 MS. CREDILLE: This is Ceci, I make a  
17 motion to adjourn.

18 (Motion made by Ms. Credille.)

19 MR. RAIKES: Second --

20 CHAIRMAN WAXMAN: We need a second.

21 MR. RAIKES: -- David Raikes.

22 (Motion seconded by Mr. Raikes.)

23 CHAIRMAN WAXMAN: We have a motion and  
24 we have a second. All in favor?

25 (All in favor voted in the affirmative.)

1 CHAIRMAN WAXMAN: Any opposed.

2 (None opposed.)

3 CHAIRMAN WAXMAN: Thank you. Have a  
4 great day.

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CERTIFICATE OF REPORTER

I, Pamela K. Needham, Certified Court Reporter,  
Notary Public within and for the State of Missouri,  
do certify that the witness whose testimony appears  
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Illinois CSR No. 084-002247  
Missouri CCR No. 505

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