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STATE OF ILLINOIS  
HEALTH FACILITIES AND SERVICES REVIEW BOARD (HFSRB)  
LONG-TERM CARE FACILITY ADVISORY SUBCOMMITTEE MEETING

VIDEOCONFERENCE  
Thursday, August 13, 2015  
10:00 a.m.

HFSRB OFFICE  
69 West Washington Street, Suite 3500  
Chicago, Illinois 60602

-and-

ILLINOIS STATE LIBRARY  
300 South Second Street, Room 207  
Springfield, Illinois 62761

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A G E N D A

CALL TO ORDER

1. Roll Call
2. Approval of Agenda
3. Approval of Wednesday, June 17, 2015,  
Meeting Transcript
4. Purpose of Subcommittee - Courtney Avery
5. Subcommittee Bylaws - Juan Morado
6. Methodology Workgroup Report - Nelson Agbodo
7. Subcommittee Vacancy - Courtney Avery
8. Other Business
9. Next Meeting
10. Adjournment

1 PRESENT IN CHICAGO:

2 Michael Waxman, Chair

Courtney Avery

3 William Casper

Cecilia Credille

4 John Florina

Alan Gaffner

5 Amanda Ginther

Steven Lavenda

6 Juan Morado

7 PRESENT IN SPRINGFIELD:

8 William Bell, Vice-Chair

Nelson Agbodo

9 Mike Constantino

Paul Corpstein

10 John Kniery

Tim Phillipee

11

PRESENT BY PHONE:

12

George Roate

13 Ann Guild

Judy Amiano

14 Kathy Olson

Charles Foley

15

16

17

18

19 Midwest Litigation Services

Angela C. Turner, CSR

20 Illinois CSR #084-004122

15 S. Old State Capitol Plaza

21 Springfield, Illinois 62701

(217) 522-2211

22 (800) 280-3376

23

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1 MEETING

2 (Starting Time: 10:15 a.m.)

3 MR. BELL: I guess we'll go ahead and get  
4 started until Mr. Waxman shows up. So we'll go on  
5 the record. We pretty much have already done a roll  
6 call.

7 Courtney, do we have a quorum?

8 MR. MORADO: We do.

9 MR. BELL: We do have a quorum. Awesome.

10 MR. MORADO: And that was Juan Morado.

11 MR. BELL: Based on the fact that we have a  
12 quorum, we'll go ahead and continue with the order of  
13 business for today.

14 First order is the approval of the agenda,  
15 which I believe was distributed prior and copies were  
16 available at both locations for the meeting.

17 MR. PHILLIPEE: So moved.

18 You want a motion to approve?

19 MR. BELL: Yes.

20 Motion to approve.

21 MS. CREDILLE: Approved, CeCe Credille.

22 MR. PHILLIPEE: I will second.

23 MR. BELL: CeCe Credille, and Tim Phillippee  
24 is the second.

1 Any discussion on the agenda?

2 MR. FLORINA: Question. Is it the same  
3 agenda that was posted online?

4 MS. AVERY: Yes.

5 MR. FLORINA: Okay. Thank you.

6 MR. MORADO: If I can, real quick, Mr. Bell,  
7 before we move forward. Can I just get a roll call  
8 who's in Springfield?

9 MR. BELL: Sure.

10 Bill Bell, Illinois Health Care Association.

11 MR. AGBODO: Nelson Agbodo, HFSRB staff.

12 MR. CONSTANTINO: Mike Constantino, IDPH.

13 MR. PHILLIPEE: Tim Phillippee.

14 MR. CORPSTEIN: Paul Corpstein, IDPH.

15 MR. KNIERY: John Kniery, guest.

16 MR. BELL: That's it for Springfield.

17 MR. MORADO: Thank you.

18 MR. BELL: Moving on, the next item on the  
19 agenda is the approval of the Wednesday, June 17,  
20 2015, meeting transcript.

21 Has everyone had a chance to review that  
22 transcript? And is there a motion on the approval?

23 MR. CASPER: I will move approval. Bill  
24 Casper.

1 MR. BELL: Mr. Casper has moved.

2 Is there a second?

3 MR. PHILLIPEE: Second, Tim Phillipee.

4 MR. BELL: Mr. Phillipee is a second.

5 Any discussion on the issues in the

6 transcript? Any questions? Changes?

7 (No response.)

8 MR. BELL: Hearing none, all in favor, aye.

9 (Chorus of ayes.)

10 MR. BELL: Opposed.

11 (No response.)

12 MR. BELL: So approved. Thank you.

13 The next item on the agenda is the purpose  
14 of the subcommittee. And I believe Courtney Avery is  
15 going to take that discussion and move forward,  
16 please.

17 MS. AVERY: At the last meeting, the  
18 question came up about the purpose or the priorities  
19 for the subcommittee. And I think it's Ann or George  
20 are on the phone, and I am going to forward these to  
21 you in a second.

22 But what I did was I took the statute and  
23 looked at what the statute recalled for the  
24 subcommittee to accomplish or complete or work on,

1 and wrote them out in the five areas and then just  
2 put completed, ongoing, ongoing/in progress,  
3 ongoing/in progress, and ongoing. So the first step  
4 of the first one of the first charges that the  
5 committee was to set the rules and guidelines. We  
6 did complete that prior to September 30, 2011.

7 The second one was the -- an open and  
8 transparent process shall be developed that considers  
9 the following: How skilled nursing fits in the  
10 continuum of care with other care providers,  
11 modernization of nursing homes, establishment of more  
12 private rooms, development of alternative services,  
13 and current trends in long-term care services.

14 I just made that ongoing, because every now  
15 and then, we have got one of these issues that's  
16 raised here, especially with the establishment of  
17 private rooms and the modernization of the nursing  
18 homes. So I listed that one as ongoing.

19 Provide continuous review and commentary on  
20 policies and procedures relative to long-term care  
21 and the review of related projects.

22 Oh, I did miss this one. I left this one  
23 blank, because the issue of review of related  
24 projects, as you recall, this was one of the things

1 that was submitted from last legislation session.  
2 And we negotiated that out, because I think it had  
3 more of input on whether an application was approved  
4 or not. So I left that one out and wanted to just  
5 get some feedback on how you all wanted to address  
6 the review of related projects. But we also have  
7 avenues for such, through the public hearing process  
8 and through the Open Meetings Act to come to meetings  
9 and discuss that. So I didn't know if the  
10 subcommittee wanted to do something more formal where  
11 we get an application, let you know what is out  
12 there, and you can write in written comments on it.  
13 So I left that one blank for that reason.

14 Study new approaches to the current bed need  
15 formula and HSA, ongoing and in progress with the  
16 establishment of the new work group.

17 And then evaluate and make recommendations  
18 to the state board regarding the buying, selling, and  
19 exchange of beds between long-term care facilities  
20 within a specified geographic area or drive time,  
21 ongoing and in process.

22 And review, revised, or updated along  
23 criteria, standards, procedures, and rules used to  
24 evaluate project applications. I listed that one as

1 ongoing. And we also have a completion where we  
2 looked and made revisions to the actual application  
3 under the leadership of Mike Scavotto. I think CeCe  
4 was on that committee also.

5 Then as you all may remember, I think it was  
6 back in 2011 or '10 or something, we came up with  
7 this priority summary. And we ranked each one in the  
8 Category 1, 2, 3, 4, or 5. And we prioritized those  
9 issues. The modification of the vending formula was  
10 number one. And incorporate programmatic aspects of  
11 care was one or two. And then other states allowing  
12 the bed buying, we did look at, and that was a  
13 priority four or five.

14 So those were the priorities we came up with  
15 years ago. I don't know. I think most of you were  
16 participating when we had the whole white chart and  
17 did the ranking of them and took a vote. That's how  
18 we came out with a ranking order for this summary.

19 Is Judy on?

20 Judy, I think you were involved in this  
21 process. Did you want to make any comments about how  
22 we got to those priorities?

23 MS. AMIANO: No. I think you summarized it.

24 And I think the committee has taken on --

1 has more since that time. But those were the  
2 original priorities.

3 MS. AVERY: And I did recall -- and I  
4 skimmed through the reading minutes -- to figure out  
5 if there was another format or something more formal,  
6 that we want to change any of the priorities.

7 Again, the first list was the completion  
8 ongoing and in progress came straight from the  
9 statute. And the other priorities relate to the  
10 statute. And these aren't in any kind of order. But  
11 the ones that are on the priority summaries are the  
12 ones that was ranked by the subcommittee.

13 We have an air and water show rehearsal  
14 going on right now.

15 MS. CREDILLE: It's actually nice. I may  
16 have to change sides.

17 MS. AVERY: So any comments, suggestions, or  
18 anything different that the subcommittee wants to  
19 look at or make changes to that will allow us to do  
20 so, but stay within the realm of the Health Planning  
21 Act?

22 (No response.)

23 MS. AVERY: I think, it looks -- although it  
24 feels like we haven't made a lot of progress, done a

1 lot of work, I think we have. We just haven't come  
2 up with the most important parts of making  
3 recommendations to go to the board.

4 And also, Kathy Olson will join us about  
5 10:30 via phone.

6 MR. BELL: Is there any other discussion on  
7 the purposes and the priorities for Courtney? Or any  
8 discussion at all?

9 MR. GAFFNER: This is Al Gaffner.

10 Courtney, what would be the process then if  
11 we do have something we want to add or consider being  
12 part of the mix? Just bring it back?

13 MS. AVERY: I think just bring it back.

14 MR. GAFFNER: To the long-term  
15 care subcommittee?

16 MS. AVERY: Yes.

17 And I stopped short of putting in dates,  
18 with the exception of the one that the statute  
19 required us to have it completed by a certain date.

20 And then there's another new date in the new  
21 statute with the -- it's in the bylaws. Sorry. With  
22 the actual studies to the bed data and the  
23 methodology.

24 We can put dates on that if you all want to

1 look at it in the next -- have something concrete in  
2 the next year or whatever, just let me know and we'll  
3 start putting dates on. I will base it on what our  
4 benchmarks are.

5 MS. CREDILLE: What was the date though for  
6 the -- isn't it 2016?

7 MR. MORADO: Yes.

8 MS. CREDILLE: Why wouldn't we want to put  
9 it somewhere --

10 MS. AVERY: I can put it there. I just  
11 stopped short of doing it. It wasn't in the statute.  
12 For which one? It's in the new version. So I will  
13 add the dates according to the statute.

14 MR. BELL: Is there any other questions or  
15 discussions on the priorities?

16 (No response.)

17 MR. BELL: Okay. Hearing none, we'll move  
18 on to Mr. Morado and the discussion on the  
19 subcommittee bylaws, please.

20 MR. MORADO: Everyone's second favorite  
21 subject on the committee.

22 So you were e-mailed a copy of the bylaws  
23 that has since been updated. I know Mike brought  
24 some updated versions for you folks down there. And

1 I believe, Judy, I e-mailed you what we're looking  
2 at, and everyone else has it in front of them.

3 The changes that are illustrated here, a lot  
4 of them are as a result of HB 3504 passing, which was  
5 signed into law a couple of weeks ago. Some of the  
6 stuff we were already looking at doing. For example,  
7 in Section 1-2, you will see underlined language  
8 regarding ex officio members. Those would be the  
9 four standing members of DPH, HFS, Aging, and DHS.  
10 We were also considering doing that. Now it's in the  
11 law, so there is no real need to have a discussion  
12 about it. It just needs to be put into our bylaws.

13 You will notice that the last sentence is  
14 highlight: Who shall serve for a period of three  
15 years. That was specifically in the statute. I just  
16 wanted to highlight that so you knew where that  
17 language was coming from.

18 The next paragraph is entirely from the  
19 statute. And what may be of most importance to you  
20 is the second sentence that says: All appointees  
21 serving as of April 1st of this year shall serve to  
22 the end of their term as determined by lot.

23 And so just going back to the first sentence  
24 of that paragraph. The chair of the board is going

1 to be determining, by lot, which members, what the  
2 terms of the current members will be. And that lot,  
3 I guess, will be taking place, hopefully at our next  
4 board meeting, motherboard. And then one-third of  
5 the members will expire in one year, one-third in two  
6 years, and one-third in three years.

7           It lays out here also -- there is a mistake.  
8 I can see it now. Appointees are going to be  
9 included, at least recommendations from three to  
10 state-wide long-care committee. So that second three  
11 should be erased. With equal number appointed to  
12 each one of those groups.

13           So that doesn't say that it has to be two.  
14 It doesn't say that it has to be one or three. It  
15 just says that it has to be equal, which means that  
16 we're going to have to be going on record at some  
17 point as to which long-term care association we are  
18 affiliated with.

19           MS. AVERY: This is Courtney. We have  
20 listed it on the last chart.

21           MR. MORADO: We did.

22           So if it's not equal, the chair will have to  
23 take that into consideration and possibly make a new  
24 appointment.

1           The last sentence in that paragraph is the  
2 chair, as always, is going to be in charge of  
3 selecting the subcommittee chair who will serve for a  
4 period of three years.

5           Going on to page 2. You will see some  
6 underlying language in Section 1-2 at the top of the  
7 page and 1-3. That's stuff that we were previously  
8 discussing and didn't seem to have any kind of issues  
9 with, so I left those changes in there. It says that  
10 authorized proxies will have the ability to  
11 participate in meetings and be entitled -- but they  
12 will not be entitled to reimbursement.

13           Going on to page 3, Section 2-3 at the top  
14 of the page, that should be highlighted, because it  
15 comes from the statute. You see that's that  
16 January 1st language. As has always been the case,  
17 this board is required to provide continuous review  
18 and commentary on policies and procedures relative to  
19 long-term care. Now we insert this date because it's  
20 been inserted in the statute as a result of the  
21 recent statute of HB 3504. So come this January,  
22 we're going to be needing to make a report, and every  
23 January thereafter, on what we are reviewing and any  
24 comments we have on policies and procedures.

1 MS. OLSON: This is Kathy.

2 MR. MORADO: Hi, Kathy.

3 We're just going through the bylaws. I  
4 think we're making some good progress. I will finish  
5 this up and then we'll get to you.

6 MS. OLSON: That's fine. Keep on going.

7 MR. MORADO: Looking at Section 2-4, the  
8 last sentence which is highlighted, again, that comes  
9 from the statute. Subcommittee to make  
10 recommendations to the board chair no later than  
11 January 1, 2017. And that's in regards to the health  
12 service boundaries and the innovation and design  
13 models, talking about the current bed need formula.

14 Section 2-7 is something we had some  
15 discussion on last time that the subcommittee chair  
16 will be able to provide at least twice a year a  
17 status report regarding the progress of the  
18 subcommittee.

19 Part of our discussion was that we wanted  
20 the subcommittee chair to be able to report to the  
21 board as often as they would like. And I think, at  
22 the end of our conversation, we determined that is  
23 still the case. But this language says that they  
24 have got to do it at least twice a year, going to the

1 board.

2 So Mr. Waxman, or whoever the board chair  
3 is, if you feel so inclined to go to the motherboard,  
4 they can go every week, if they want. But they have  
5 to go at least twice a year.

6 Page 4, Article 5, that changes the  
7 requirement for quorum to 40 percent of the  
8 subcommittee board members. Forty percent of 15 is  
9 now six. So that is a change that we were just going  
10 to make before the statute came into place, this  
11 3504. Now that's what it is. It's six. So six is  
12 what we need for quorum.

13 Moving on to page 5. You will see in  
14 Section 5-6 that we took out the word "discretion",  
15 because anyone who's attended this meeting as a  
16 member of the public should be able to provide public  
17 comments if they want to. It should be at the  
18 subcommittee's discretion. That's just us trying to  
19 comply with the Open Meetings Act.

20 Section 5-7 inserts the word "voting" just  
21 to make it clear that people who are voting, that  
22 proxy, as well as members, who makes up the voting  
23 membership.

24 Article 6, Section 6-1, the underlying

1 language is something that we have kind of already  
2 been doing. Having a member of board staff attend ad  
3 hoc committee meetings. I think, in the past, it's  
4 worked well. And going forward, we would like to  
5 keep that language in there. So that's pretty much  
6 it for that section.

7 Member voting in Section 6-2.

8 And then finally, bylaws. Bylaws require --  
9 any updates to these bylaws require three-fifths  
10 majority of the subcommittee. Changes it to nine.  
11 Now by virtue of the new statute, it is nine. We'll  
12 need nine votes to change these bylaws and update  
13 them. In the case we cannot get everybody's vote, a  
14 lot of this stuff is already in place as a result of  
15 the statute. Statute will supercede what the bylaws  
16 say. I think today we have -- I think we have just  
17 nine. So Mr. Waxman will make the ninth member that  
18 we need. We'll hold up on taking the vote to approve  
19 these bylaws for him to return. But I kind of wanted  
20 to vote on the changes.

21 I don't know if anyone had any questions  
22 about them or any comments.

23 MR. CASPER: This is Bill Casper. The only  
24 question I have is, is there -- I don't remember the

1 dates. There may be something in the open meetings  
2 statute. But is there anything official that has to  
3 be done to appoint a proxy if somebody just comes and  
4 says, "I am a proxy"?

5 MR. MORADO: We have language in here for  
6 that. Yes. In Section -- in Article 1, page 2,  
7 Section 1-3. It lists out the requirements to have  
8 proxy and have them be able to vote.

9 MR. CASPER: Okay.

10 MR. FLORINA: Question. Florina.

11 Question regarding Section 1-2, for more  
12 clarification. The language that was added says:  
13 Who shall serve for a period of three years.

14 Is that a specific person representing each  
15 department? Or are we just talking about someone  
16 from the department?

17 MR. MORADO: You know, this would be a  
18 specific person. But it could change. Obviously,  
19 people leaving.

20 Yes, the way it's written now, a specific  
21 person from a department to be serving for a period  
22 of three years.

23 MR. BELL: This is Bill.

24 Is that statutory?

1 MR. MORADO: The three years is not. Oh,  
2 actually, I think it is.

3 MS. AVERY: It is.

4 MR. MORADO: Yes. The three years is  
5 statutory, correct. There will be ex officio and  
6 non-voting members per the statute as well.

7 MR. BELL: So we don't have any discretion  
8 there? Because I just think that that's a problem in  
9 that -- and I am -- not to pick on Paul Corpstein.  
10 But he's the licensure person and I would think that  
11 you would want to have that consistency going through  
12 the meetings. Where, in three years, it jumps to  
13 somebody else and you lose that department  
14 consistency on issues that are moving forward.

15 Is there no discretion on that whatsoever?  
16 I mean, is it specific statutory?

17 MR. MORADO: I think just the term is three  
18 years. It's not he can't serve another three after  
19 that.

20 MR. BELL: Okay.

21 MR. MORADO: It's just each term will be  
22 three years.

23 So if we're lucky enough to keep Paul with  
24 us for some time to come, he can serve this three,

1 and the next tree, and three after that, if he so  
2 inclines.

3 MR. CORPSTEIN: I have some questions.

4 MR. FLORINA: Just for clarification. At  
5 the bottom of page 1, if the ex officios are treated  
6 the same as the voting members, it says you can't  
7 serve any more than two consecutive terms without at  
8 least a one year break in service.

9 So what you're saying is true, except  
10 there's got to be one year break if I understand it  
11 correctly.

12 MR. MORADO: This was a question I was going  
13 to bring up. We can discuss it today.

14 The issue of having term lengths for this  
15 committee is completely up to this committee. It's  
16 not statute. If you were inclined to make a change  
17 to the bylaws to take that section out, you folks  
18 enjoy serving on this committee, they can keep on  
19 doing so if we took that out. But it's not a  
20 requirement of the statute.

21 MS. AVERY: This is Courtney.

22 I cannot recall why we had that lengthy  
23 discussion and went through the decision and picking  
24 who would take one, two, to three year terms.

1           So looking back, I just don't understand why  
2 we did that, because there was nothing that says that  
3 we have to propose term limits.

4           MR. MORADO: John, to your point, it would  
5 probably be a good idea to differentiate that by  
6 insert the word "voting" in front of member.

7           MS. AVERY: If we left it in?

8           MR. MORADO: If we decided to keep term  
9 limits. Inserting the word "voting", so that it  
10 would be clear that all voting members, as is  
11 illustrated above, ex officios are non-voting  
12 members. So they would be able to continue to serve.

13          MR. FLORINA: Just clarifying.

14          MS. AVERY: By a certain voting?

15          MS. MORADO: Yes.

16          So I would put it in the first sentence  
17 before "member"; and the second sentence before  
18 "member". Again in the second sentence before  
19 "member". Just anywhere you see "member", I would  
20 insert "voting" before that.

21          MS. AVERY: Bill, Paul had a question.

22          MR. MORADO: That was -- I thought it was  
23 Tim.

24          MS. AVERY: Was it Tim?

1 MR. CORPSTEIN: No, no. It was me.

2 MR. BELL: It was Paul.

3 MR. CORPSTEIN: Can someone name me the  
4 other ex officio state-appointed employees that are a  
5 part of this committee?

6 MS. AVERY: Terry, Peter. Who else? Kelly  
7 Cunningham.

8 MR. MORADO: And then we had a person from  
9 Aging recently retire. So there needs to be an  
10 appointment from Aging. We reached out to the  
11 director -- the new acting director and are  
12 waiting --

13 MR. CORPSTEIN: Are any of those people  
14 here, besides me?

15 MS. AVERY: No.

16 MR. MORADO: No, sir.

17 MR. CORPSTEIN: Is there an easy way to get  
18 an attendance record for the ex officio state  
19 employees?

20 MS. AVERY: Yeah. We can go back through  
21 the meeting minutes.

22 But I can tell you that, besides yourself  
23 and Kelly, Terry is the only one that has not been in  
24 regular attendance. Nena retired. And she had a

1 regular appearance at the meetings, regular  
2 attendance.

3 MR. CORPSTEIN: Okay.

4 MS. AVERY: Was there something in  
5 particular you were looking for?

6 MR. CORPSTEIN: Yes and no. I just want to  
7 see whether we're actually attending and whether ex  
8 officio status will make it any more likely that we  
9 will show up to these meetings.

10 I would also like to know when my three-year  
11 term ends.

12 MR. MORADO: You want to know when it ends?

13 MR. CORPSTEIN: I would like to know when it  
14 ends, yes.

15 MR. MORADO: So the way that the statute  
16 changes have been written, we will have, as  
17 determined by lots, how members are going to be  
18 rotating that out. I mean, that could apply just for  
19 voting 15. So I would have to look at your  
20 appointment letter, Paul. I don't know off the top  
21 of my head. But I can look today and get back to  
22 you.

23 MS. CREDILLE: Well, this doesn't start the  
24 clock ticking all over again?

1 MR. MORADO: Once we draw lots, it will.

2 MS. CREDILLE: We had lots. So they're gone  
3 now? Nothing matters about the lots we had?

4 MS. AVERY: Right. Because the new language  
5 in the statute changed that.

6 MS. CREDILLE: So April 1 is the clock  
7 ticking for us, except we haven't drawn any lots. Of  
8 course, state folks, you're going to go back over  
9 them, because they have a different set of criteria  
10 than us?

11 MS. AVERY: It's not the individual; it's  
12 the representation. For instance, the Department of  
13 Public Health decides that Paul is no longer the  
14 appropriate person to serve on the subcommittee, then  
15 that person just steps in.

16 MR. MORADO: He would have to resign and  
17 then they would appoint someone else.

18 MR. CORPSTEIN: Right. I did that, but that  
19 didn't work.

20 MS. CREDILLE: I don't understand why though  
21 the ex officio members, their clock is already  
22 ticking, but those of us sitting in the room, the  
23 clock is not ticking. It starts over.

24 MR. MORADO: It's the benefit of having the

1 ability to vote. So at the August 25th meeting, we  
2 will choose lots. And five voting members will have  
3 terms that will expire in one year. Five more will  
4 have terms that will expire in two years. And the  
5 last five will have terms that will expire in three  
6 years. And that's how -- they're going to be  
7 scattered out so we have a constant turnover.

8 MR. CORPSTEIN: Are you saying by adopting  
9 these bylaws, my three-year term starts over?

10 MS. CREDILLE: That's what I am asking.  
11 It's not so much you, Paul. It's the department.  
12 It's not so much the individual. It's the state  
13 agencies.

14 So even if you decided, or whoever decides  
15 from the department, that you're no longer  
16 appropriate for any reason, then that next person  
17 comes on.

18 MR. MORADO: It's in the statute, Paul.

19 MR. CORPSTEIN: I am well aware.

20 MR. MORADO: Yes.

21 MS. GINTHER: When you say that during a  
22 person's -- Amanda Ginther -- the person's one year,  
23 after they have -- they have to do the one year  
24 sitting on the sideline, they could still serve as

1 someone's proxy, voting proxy? I mean, not that I am  
2 taking issue with that. I am just trying to clarify.

3 MS. AVERY: Yeah, they can.

4 MR. MORADO: Yes.

5 MR. FLORINA: It also appears that the ex  
6 officios are also subject to the same proxy  
7 requirements if somebody is going to be replacing  
8 them at a meeting, is that correct?

9 MR. MORADO: If they want to send someone  
10 else, yes, right. You know, again, part of sending a  
11 proxy is to have a vote. They're not voting members.

12 MS. AVERY: And the reason that the  
13 subcommittee -- this is Courtney. The reason that  
14 the subcommittee started to go with proxy is because  
15 we were having such an issue with quorums.

16 MR. CORPSTEIN: Do you think that will be  
17 resolved by making us ex officio?

18 MS. AVERY: I think it's consistent with  
19 other boards and commissions as to why that language  
20 was added. It wasn't added at the board's request.  
21 It was added from one of the associations. And it is  
22 -- when I researched it and tried to get it out of  
23 there, I was told that it is very consistent with  
24 other boards and commissions, and actually the Health

1 Facility Service Review Board.

2 MR. CORPSTEIN: I see.

3 MS. AVERY: We have ex officios that are  
4 non-voting members that sit on the board, from the  
5 Department of Public Health, HFS, and DHS.

6 MR. CORPSTEIN: Which association brought  
7 that forward? Do we know?

8 MS. AVERY: HCCI.

9 MR. MORADO: HCCI.

10 MR. CORPSTEIN: Thank you.

11 MR. MORADO: So we, again, need Michael here  
12 to take a vote on these. But that's how these  
13 changes will work and why many of them were made.

14 MS. AVERY: If we could slightly make a  
15 slight change and have Kathy -- because I think Kathy  
16 is on the time constraint still.

17 MS. OLSON: I am, yes.

18 MS. AVERY: Is that okay with everyone?

19 (No response.)

20 MS. AVERY: Okay. I know at the last  
21 meeting there was a request -- and I think it was by  
22 Mr. Waxman -- that Kathy Olson join us for a slight  
23 part of the meeting to discuss the vision of -- the  
24 board's vision of long-term care. And my response

1 was that the board looks to the subcommittee for that  
2 guidance and input and why the subcommittee was  
3 created by, I think, at the urging and the change of  
4 the statute by maybe the three associations. I am  
5 not really sure. I forgot the history of it.

6 But this was the subcommittee was created  
7 because they felt like the board didn't have the  
8 expertise, as far as the people that were sitting on  
9 the board, to guide long-term care. So the  
10 subcommittee was created in that aspect.

11 So I think it was Mr. Waxman that said that  
12 really wanted to hear the board's vision of long-term  
13 care and where they wanted the subcommittee to go.  
14 So Kathy was invited to address that. And to -- go  
15 ahead. Sorry.

16 MS. OLSON: This is Kathy. Thanks,  
17 Courtney.

18 And what Courtney says is absolutely the  
19 case. I mean, we do not have long-term care experts  
20 on the Health Facilities Board. So we're looking to  
21 all of you to help guide us. And I want you to know  
22 that, from myself and the board members, that we do  
23 appreciate your level of commitment and dedication.  
24 I know you spend a great deal of time in meetings

1 trying to help us decide which directions that we  
2 need to go in. And we're looking forward to your  
3 feedback on the reestablishment of the geographic  
4 zones. And I am really interested to hear what we  
5 come up with buying and selling and exchange of the  
6 long-term care beds. I understand you put a great  
7 deal of effort into that at this point. We're  
8 anxious for you to come back and report to us on the  
9 efforts that have been outlined and the language  
10 created bringing information back to us.

11 I do apologize that I am not able to  
12 actually be there today. But unfortunately,  
13 sometimes your real job gets in the way. The one you  
14 get paid for. I couldn't be there today. I will at  
15 some point try to be able to attend one of your  
16 meetings. I know I have appointed someone to be in  
17 attendance at the meeting. Apparently he's not there  
18 today.

19 If there is some feeling amongst the board,  
20 just kind of listening to the other ex officio member  
21 speak. If there is some feeling that that person  
22 needs to be changed or something needs to be done  
23 differently with that, I encourage you to reach out  
24 to me. I would like to make this a good,

1 transparent, back and forth kind of relationship with  
2 the board.

3 And I would be happy to answer any questions  
4 or take any comments that you guys have for me.

5 Do I understand that Mr. Waxman is not on  
6 the call or not present?

7 MS. AVERY: He's here. But like you, he had  
8 to get on a last-minute conference call. So I will  
9 go see where he is, as far as his call.

10 MS. OLSON: That's okay. I mean, he had  
11 requested my presence. I didn't know if he had  
12 specific comments or questions of me, or if anybody  
13 else does. I am more than happy to answer them.  
14 Please, go ahead.

15 MR. BELL: Does anybody have any comments or  
16 questions for Ms. Olson?

17 MS. OLSON: I guess my message to you -- and  
18 I hope I am making it clear, Courtney, as well, we  
19 don't know long-term care, the board members. So  
20 we're looking to you guys. We do really value what  
21 you're doing, and we need your input. I know there's  
22 a lot of different new models out there that I find  
23 pretty fascinating. Since I am going to be 60 this  
24 year, I may be looking at some of those soon.

1 Hopefully not too soon.

2 But we need your expertise. We're not the  
3 experts. You need to help guide us. I am not going  
4 to say that we'll necessarily always agree with you,  
5 or that you'll agree with us. But I think we need to  
6 have a relationship where we can share information  
7 and ideas. And don't ask us to do it, because we're  
8 not the experts. You might be very sorry if we try  
9 to tell you what you do. You need to tell us what we  
10 can do to make your life easier.

11 MR. FLORINA: This is John Florina. I will  
12 ask a question, because we're honored that you're  
13 here with us here today. Don't want to lose the  
14 opportunity to ask.

15 But knowing what we have already been  
16 working on, is there anything from your perspective  
17 that you feel we're not addressing that you would  
18 like to add into our work plan?

19 MS. OLSON: I don't think so. Like I said,  
20 I am really interested to hear what you come up with  
21 as far as the whole buy/sell/exchange. And I think  
22 other board members, as well, we're kind of waiting  
23 to hear where that goes. I know that the inventory  
24 is one thing that has a tendency to make many of your

1 lives difficult. So if there is a way you guys see  
2 around that, a way we can make that easier, we're  
3 looking for your feedback and information on.

4 And we will give you some time at a board  
5 meeting. I am totally supportive of doing that.  
6 Especially now that we actually are -- I hate to say  
7 this, it will change -- a little bit slow, as far as  
8 the number of applications coming in. It might be  
9 very timely for you to come and spend some time  
10 addressing the board.

11 We don't understand all of the ins and outs  
12 of your industry. But that's one thing I think is  
13 particularly of interest to the board, because I know  
14 that is something that it appears as though that's  
15 something that oftentimes, you know, works against  
16 you is this inventory. If there is a way to make it  
17 more accurate, make it more meaningful, we need to  
18 know how to do that.

19 MR. FLORINA: Thank you.

20 MS. AVERY: So I will get some feedback  
21 throughout the meeting or towards the end of the  
22 meeting as to whether or not it would be appropriate  
23 or if the subcommittee is ready to conduct a board  
24 meeting in November. Because our October board

1 member meeting was cancelled. The next one scheduled  
2 is in November.

3 MS. OLSON: And we're looking for honest and  
4 open feedback. Those of you who know me know that  
5 I'm kind of like, just tell me, and I will tell you  
6 what I think. And if we agree to disagree, that's  
7 fine. But I am not the kind of person that wants to  
8 dance around what it is that you're trying to tell  
9 us. Just come and tell us. I mean, I obviously  
10 can't take away the whole CON process for you guys,  
11 that's not possible. But short of that, come and  
12 tell us how we can help you. And let's be honest and  
13 have an honest and open discussion. That's the best  
14 I can offer to you at this point.

15 And I guess I will go back to the hot,  
16 sweaty gym for high school registration. Again, I  
17 apologize for not being there. And thank you to all  
18 of you for everything you do.

19 MS. AVERY: Mr. Waxman didn't have anything  
20 else to add besides what you covered. And he, again,  
21 apologizes for not being able to be in the room at  
22 this time.

23 MR. GAFFNER: This is Alan Gaffner. And  
24 Chairman Olson, I just want to echo what Mr. Florina

1 said. We really appreciate your direction to us  
2 regarding the candid truthful and honest assessment  
3 of, certainly, as caregivers, long-term care  
4 providers, we're really under significant pressures  
5 right now. And it's reassuring to know that the  
6 facility planning board is interested in how to be  
7 collaborative and how to help, as they are able, to  
8 ease some of that pressure that we're feeling. So  
9 thank you very much.

10 MS. OLSON: Well, I try to, in my time as  
11 board chair, I try to make the board and the staff  
12 realize that you guys are customers. And so we need  
13 to make sure that we're doing the best we can for our  
14 customers. I truly believe that. I think that  
15 Courtney and Juan, as well, and I now feel as though  
16 with Juan and Jeannie and Courtney, in the places  
17 that they're in, that we're kind of all on the same  
18 page with that. Let's be open and honest and see if  
19 we can't make all of our lives better.

20 And I do appreciate what you do. I really  
21 do. I've worked in nursing homes for ten years  
22 working on people's keep, so I am well acquainted  
23 with the industry, but I don't know your struggle.

24 Thanks for your time, everybody. I am going

1 to head back to a hot, sweaty gym. Have a good day.

2 MR. BELL: Thank you, Chairman.

3 MS. AVERY: Okay. I am not sure -- go  
4 ahead.

5 MR. GAFFNER: Thank you, Courtney. Alan  
6 Gaffner.

7 Going back to the bylaws and the officio/ex  
8 officio. I was thinking right before Chairman Olson  
9 was given the floor, if I am not mistaken -- and I  
10 wasn't part of the drafting of the legislation -- but  
11 I thought that by vote of the subcommittee -- and I  
12 believe it was not even a unanimous vote -- that the  
13 removal of the voting capability for the staff  
14 members was done right here at this table.

15 And so I am not familiar with how HCCI's  
16 referenced. But I don't believe that would be  
17 accurate for the record at least where that started.  
18 Because I thought I had actually registered a no vote  
19 on that. But during the less than a year I have been  
20 on -- and correct me if I am not recalling this  
21 correctly, but that was a vote by this board to say  
22 they can attend, but they cannot vote.

23 MR. MORADO: I'll give a quick background on  
24 it. I want to say it was definitely before April.

1 We came here. We brought a list of bylaws to you at  
2 that time. The ex officio members were voting  
3 members, and we did take a vote. When we took that  
4 vote, we told you that, yes, these bylaws passed.  
5 What we discovered after that meeting was that we  
6 didn't have the three-fifths majority that we needed.  
7 We were counting wrong. In fact, it was not passed.  
8 We've always needed three-fifths, but we didn't have  
9 the three-fifths.

10 So you're absolutely right. We took a vote;  
11 we assumed that vote was correct. But as it turns  
12 out, we didn't have enough people to make that  
13 effective. Fast-forward a couple of weeks,  
14 negotiations began on a bill that was filed.  
15 Negotiations began thereafter. And this is what is  
16 the result of those negotiations.

17 (Mr. Waxman entered.)

18 MR. GAFFNER: Thank you, Juan, for at least  
19 reminding me. And I think that -- because I didn't  
20 feel strongly about that for those of you that are  
21 staff and serving in that role, I believe it was  
22 appropriate for you to have a vote. So thank you,  
23 Juan, for that history.

24 MS. AVERY: But then again, it was brought

1 to our attention that this was consistent with other  
2 boards and commissions and --

3 MR. GAFFNER: Sure. I understand. I was  
4 just wanting to make sure I wasn't confusing two  
5 issues.

6 Courtney, you mentioned -- and I believe  
7 that the discussion regarding term limits likely took  
8 place before I was on. But I guess in the same vain  
9 as what Bill Bell raised, do we need to revisit or  
10 think about, is there something lost in continuity of  
11 issues, or what have you, if there is a mandatory  
12 roll off, rather than just the end of the term?

13 If I missed whatever took us to there,  
14 certainly, I am a newer member to this group. But  
15 since you point out that's something not in statute  
16 before this group, I just want to make sure we're all  
17 comfortable with that using the same theory that Bill  
18 has brought to the table.

19 MS. CREDILLE: I thought this was statute.  
20 This middle here. The chairman of the board shall  
21 appoint voting members, I thought that was --

22 MS. AVERY: It is a new part.

23 MS. CREDILLE: Prior to this, we had terms.  
24 We had no terms. Then we had terms that were one,

1 two, three, but we never really abided by them. But  
2 we had them. But now this is brand-new in the  
3 statute. And when you say chairman of the board,  
4 you're actually talking about the motherboard, not  
5 the subcommittee board?

6 MS. AVERY: Right.

7 MS. CREDILLE: So that's different than what  
8 we did before. And then this -- I mean, this is all  
9 by statute. We don't have a choice on this little  
10 thing in the middle of the page.

11 MR. GAFFNER: I am talking the last  
12 paragraph on page 1, which indicates that there is a  
13 -- at least a one year break of service after two  
14 consecutive terms. I believe that's not in the  
15 statute.

16 MR. MORADO: Yes, that last paragraph, the  
17 language regarding a maximum of two terms, taking a  
18 year off in between, is the creation completely of  
19 previous to this subcommittee and the bylaws that  
20 were already in existence. So that can stay on or  
21 come off. And it's something that can change at a  
22 future date. If you want more votes here and have  
23 that discussion.

24 MS. CREDILLE: I would ask, what is at the

1 bottom of the page with this, are you starting the  
2 consecutive two terms from April 1, 2015, or are you  
3 starting them back from the beginning of time when  
4 many of us were on the committee?

5 CHAIRMAN WAXMAN: If we do that, we can all  
6 be here.

7 MS. CREDILLE: That's why I am asking the  
8 obvious question here. It looks like it would start  
9 as of April 1st again, right?

10 MR. MORADO: Right.

11 CHAIRMAN WAXMAN: April 1st of?

12 MS. CREDILLE: 2015.

13 So we would start all over on our terms.

14 CHAIRMAN WAXMAN: You have got about eight  
15 more years to go.

16 MR. FLORINA: This is Florina. If I can ask  
17 a question.

18 Are you just concerned because some members  
19 did express interest in the past of not serving  
20 additional three-year terms based on the time already  
21 served so that that should be taken into  
22 consideration when the lots are drawn?

23 MS. CREDILLE: No. I am just asking the  
24 question, because we already had terms. We had them.

1 I know what mine -- I know when mine goes up. But  
2 now that the clock is ticking all over again for Bill  
3 and Judy, and all of us that have been doing this for  
4 quite some time, and some longer. Judy has been on  
5 for much longer than I have.

6 MR. MORADO: I would say that we greatly  
7 appreciate your service. And I would also point out  
8 that in that same sentence about April 1st, you also  
9 can see that it says you will serve until the end of  
10 your term or until the appointee voluntarily resigns.  
11 Perhaps you're like many of us, your employees will  
12 not allow you that ability. But again, we appreciate  
13 your service, and you have that ability to use it.

14 Now that we do have Mr. Waxman here, we can  
15 take a vote on these bylaws. Because of the number  
16 of folks we have here, we would need a clear sweep,  
17 all nine votes in the affirmative, for them to pass.  
18 As I mentioned, Mr. Waxman, before to the members  
19 here, many of the changes are already in effect as a  
20 result of the statute being in place. And some of  
21 the changes, those that are not highlighted, are  
22 stuff that we had discussed in the past and things  
23 we're looking to insert.

24 When we do take the vote on this, I would

1 ask that the bottom of page 1 we discussed before  
2 regarding the terms, I am going to be inserting the  
3 word "voting" before "member". It looks like there  
4 is going to be three times in that paragraph where I  
5 will be inserting the word "voting", and that will be  
6 the version of these bylaws I would ask for the  
7 members to vote on today.

8 CHAIRMAN WAXMAN: So again, two things. I  
9 want to apologize for having to do real business.  
10 Not that this is not real business. But I had to  
11 take a conference call. And second is, Bill, thank  
12 you for -- I can't see that far. I assume Bill  
13 opened the meeting. So thank you, Bill.

14 And Juan, we need a motion then to approve?

15 MR. MORADO: Correct.

16 CHAIRMAN WAXMAN: Would someone be kind  
17 enough to make a motion to approve the bylaws as  
18 presented by Juan?

19 MR. FLORINA: I so move.

20 CHAIRMAN WAXMAN: We need a second to the  
21 motion, please.

22 MR. PHILLIPEE: I will second.

23 MS. AVERY: There's a little hesitancy.

24 Do you think we need to go back on these and

1 not vote today? I am seeing people looking really  
2 puzzled.

3 MS. CREDILLE: I am not sure everybody  
4 agreed to what is at the end of page 1. But that's  
5 -- it's stuff that's not in the statute.

6 CHAIRMAN WAXMAN: What specifically did you  
7 mean?

8 MR. MORADO: Terms.

9 MS. CREDILLE: Terms. Is everybody okay  
10 with that before we take a vote and it doesn't work?

11 CHAIRMAN WAXMAN: That we're starting to  
12 count as of now?

13 MS. CREDILLE: Well, the question was the  
14 year in between. I mean, I am okay with it, but I  
15 don't know if everybody else is okay with it.

16 CHAIRMAN WAXMAN: You're thinking people  
17 should not --

18 MS. CREDILLE: I am okay with it. But I  
19 think we're trying to get a vote of nine, and we only  
20 have nine people that can vote.

21 CHAIRMAN WAXMAN: Again, that space of one  
22 year, I think, was something that Frank was  
23 advocating for when Frank was still playing with us.  
24 So you know, I think the attempt was to allow for

1 additional members, or new members, or something of  
2 that nature.

3           So that's what I remember where that year  
4 absence came from was Frank's suggestion to get new  
5 blood on the committee. I enjoy having people who  
6 have been part of the committee and have the history  
7 and the willingness to work with the committee as  
8 many years as we have been together. So you know, if  
9 you want to take that sentence out, that you can  
10 continue as long as you desire, I am okay with that  
11 too.

12           MR. MORADO: If you were going to take that  
13 out -- this Juan Morado, I apologize -- we would be  
14 removing the first and second sentence of the last  
15 paragraph. Yes. Everything else seems to be fine.  
16 But that's the only language that we have in here  
17 about terms. I am not going to take a position on  
18 it. I will leave that to this board to decide.

19           MR. GAFFNER: This is Alan Gaffner.

20           Mr. Chairman, the reason that CeCe was  
21 mentioning what she did, I piggy-backed on something  
22 that Vice Chair Bill had said regarding some loss of  
23 continuity regarding some of the staff positions,  
24 that they couldn't continue to serve.

1           And so following Chairman Olson's visit with  
2   us, I just asked if there was merit in that same  
3   concern regarding the subcommittee membership. So  
4   that's when you returned to us as that was underway.  
5   So I was the one that raised that.

6           And likely, as a newer member, I perhaps  
7   have a higher enthusiasm level than some of those  
8   that have been in the trenches as long as CeCe and  
9   others.

10          CHAIRMAN WAXMAN: I think they do have the  
11   same level. It's just a matter of time doing things.

12          MR. GAFFNER: I don't mean uninterested.  
13   Just the time commitment.

14          CHAIRMAN WAXMAN: After a two-hour drive and  
15   one hour conference call, you never know what I am  
16   going to say.

17          MR. BELL: Question by Mr. Phillipee.

18          MR. PHILLIPEE: Can I make a comment?

19          CHAIRMAN WAXMAN: Of course, Tim.

20          MR. PHILLIPEE: This is Tim. Really, having  
21   term limits is considered good governance on any  
22   board, really. I mean, that's the standard for  
23   governance on boards. I would think -- now there's a  
24   couple still fairly new. But really, two terms

1 starting again this year I think is quite adequate.

2 Even if some are shorter.

3 So I think it's healthy to have turnover in  
4 a group. The terms are staggered. So it's not like  
5 a bunch of people are going to leave on the same  
6 date. And it's just a healthy, normal thing that's  
7 considered good governance, really, on  
8 board/committee relationships so that you don't have  
9 a small clique that continually runs things forever.

10 No offense, but it also is considered good  
11 governance, because it's a convenient way to ask  
12 somebody to gradually leave maybe who's not  
13 participating anymore, not adding value, without  
14 being kind of rude to them. That way they just don't  
15 get asked to come back after their year off. I know  
16 we're headed down a different path, but I think it's  
17 considered a good way to do things, really, in  
18 organizations.

19 CHAIRMAN WAXMAN: We have a motion and a  
20 second.

21 Do you want to further discuss? Do you want  
22 to adopt a new motion? What is the pleasure of the  
23 nine members?

24 MR. PHILLIPEE: Vote.

1 MS. CREDILLE: Let's vote. How about we try  
2 a vote?

3 CHAIRMAN WAXMAN: Juan, is it a roll call  
4 vote?

5 MR. MORADO: It can be. We have a second.

6 CHAIRMAN WAXMAN: Yes, we have a second.  
7 Steve seconded it.

8 MR. BELL: Can I ask one more question  
9 before we do that?

10 CHAIRMAN WAXMAN: Sure.

11 MR. BELL: On the last paragraph, the last  
12 sentence, which is on page 2, it says that the member  
13 whose term has expired will continue to serve until  
14 replacement is appointed by the board chair.

15 Should that "will" be changed to "can" or  
16 "may"? Can you force somebody to do --

17 MR. MORADO: You can't force anyone to do  
18 anything. It can be changed to "may". Whether folks  
19 will show up. We, unfortunately, don't have an  
20 investigatory arm or police arm. We will not be  
21 dragging anybody to a meeting.

22 MR. CASPER: Unfortunately you don't have  
23 that?

24 MR. MORADO: We can easily change that

1 "will" to "may", or I would readily admit there is  
2 not much --

3 CHAIRMAN WAXMAN: Okay. Can we do a roll  
4 call?

5 Again, I apologize I can't see people in  
6 Springfield or identify all of them. Look at this.  
7 Ain't that something.

8 Bill.

9 MR. BELL: Aye.

10 CHAIRMAN WAXMAN: I am sorry.

11 MR. BELL: Aye.

12 CHAIRMAN WAXMAN: I am an aye also.

13 We're going alphabetical order.

14 MS. AVERY: Judy. Is Judy still on?

15 (No response.)

16 MS. AVERY: Mr. Casper.

17 MR. CASPER: Aye.

18 MS. AVERY: Paul. Oh, I'm sorry. I am so  
19 sorry, Paul.

20 Mr. Florina.

21 MR. FLORINA: Aye.

22 MS. AVERY: Mr. Foley.

23 Mr. Gaffner.

24 MR. GAFFNER: Aye.

1 MS. AVERY: Mr. Lavenda.

2 MR. LAVENDA: Aye.

3 MS. AVERY: Mr. Phillipee.

4 MR. PHILLIPEE: Aye.

5 MS. AVERY: Okay. Greg -- Greg Will is not  
6 here.

7 MR. MORADO: We need Judy to vote.

8 MS. AVERY: Judy, are you on mute? I never  
9 heard her hang up.

10 UNIDENTIFIED SPEAKER: I heard somebody come  
11 or go.

12 MR. PHILLIPEE: Charles Foley might be on  
13 the call.

14 MS. AVERY: Mr. Foley, are you there?

15 MR. FOLEY: Yes, I am.

16 CHAIRMAN WAXMAN: Yay. We need you to vote.

17 MR. FOLEY: My apologies. I had it on mute.

18 CHAIRMAN WAXMAN: We need your vote. You're  
19 the deciding vote. I want you to consider this  
20 carefully. You're the deciding vote.

21 UNIDENTIFIED SPEAKER: He said yes.

22 COURT REPORTER: I'm sorry. I can barely  
23 hear Mr. Foley. Is there any way he could speak up  
24 or turn up the volume from where he's calling in?

1 Did he vote?

2 CHAIRMAN WAXMAN: He voted yes. Mr. Foley  
3 voted yes.

4 We can hear you in Chicago. Are you in  
5 Springfield?

6 MR. FOLEY: No, I am not.

7 CHAIRMAN WAXMAN: Motion carries. Thank  
8 you, all.

9 MR. MORADO: So what I will do is I will  
10 circulate a clean copy of the things that we  
11 discussed today to everyone so they have it. And  
12 we'll move forward. Thank you.

13 MS. AVERY: This is Courtney.

14 Again, I know you guys don't want to hear  
15 this, especially you, CeCe. This is an evolving  
16 document. Whenever you have suggestions for change,  
17 let me know. I will put it on the agenda. Whatever  
18 your change is, circulate it to the entire  
19 subcommittee and bring it back to the meeting.

20 MR. MORADO: I would be happy to track any  
21 changes.

22 MS. CREDILLE: What are you referring to?

23 MS. AVERY: The bylaws.

24 MS. CREDILLE: Oh.

1 MS. AVERY: Next on the agenda --

2 MR. FLORINA: Question. Courtney, were you  
3 going to address the vacancy at this point since  
4 we're talking about the bylaws?

5 CHAIRMAN WAXMAN: No, we covered it. I am  
6 sorry.

7 MR. FLORINA: Did you want to cover the  
8 vacancy that's two items down so we can be done with  
9 the bylaws?

10 MS. AVERY: I did reach out to the HCCI  
11 chair, executive director, Pat Comstock, to let her  
12 know that we did have a vacancy and that she can make  
13 a recommendation for someone because of what we have  
14 to do to make sure it's equal representation. And  
15 she's going to get back to me with those  
16 recommendations.

17 I know, at one point, we were holding that  
18 position for someone in academia. But we have been  
19 holding that vacancy for three years and it didn't  
20 happen.

21 CHAIRMAN WAXMAN: I understand the  
22 chancellor at U of I is available.

23 UNKNOWN SPEAKER: Might be looking for a  
24 paid position though.

1 CHAIRMAN WAXMAN: As I said -- I apologize.  
2 Two hours driving, and an hour on a conference call,  
3 I am able to do anything. Again, I apologize. It  
4 was inappropriate.

5 So there is that one vacancy. I am hoping  
6 you will have that filled by the end of the year.

7 So we have two vacancies?

8 MS. AVERY: One.

9 CHAIRMAN WAXMAN: Just one? Whose vacancy  
10 are we filling?

11 MS. AVERY: Oh, I forgot who it was. I  
12 forgot. I can't remember.

13 CHAIRMAN WAXMAN: Going back to the agenda.  
14 Nelson, you're in charge.

15 MS. AVERY: And Steve.

16 MR. AGBODO: Thank you, Mr. Chairman.

17 MS. AVERY: I apologize, Steve. I left you  
18 out.

19 MR. LAVENDA: It's okay.

20 MS. AVERY: Bad mistake.

21 Okay. Nelson.

22 CHAIRMAN WAXMAN: Nelson, are you starting?  
23 Or Steve, are you starting?

24 MR. LAVENDA: Nelson, why don't you start?

1 MR. AGBODO: Okay. I will do that.

2 Thank you, Mr. Chairman.

3 I'll make a very short report on the  
4 meeting, the group meeting, as the transcript gives  
5 all the details. So the work group met on June 17th  
6 and discussed about the proposal and goals for the  
7 group. The group also heard Mr. Reppy's proposal, we  
8 took most part of the time.

9 From my recall, the proposal for the group  
10 is to review bed needs methodology on different  
11 driving basis to improve future bed allocations. And  
12 the goal is to propose a methodology that projects  
13 number of beds that's in need of the citizens of  
14 Illinois, which I call upper bed allocations. And on  
15 this point, if I'm wrong, you can correct me.

16 MR. LAVENDA: No, you're good.

17 MR. AGBODO: So about Mr. Reppy's  
18 presentation, I would suggest that everyone reads the  
19 transcript to get the full sense of his proposal.

20 But for me, the main point he made was that  
21 we should disconnect from the past trends and try a  
22 new formula that equalizes bed allocations throughout  
23 the state, which is the Ohio formula. But  
24 interestingly, we learned that this formula has been

1 applied in Ohio, along with a moratorium on beds.

2 So the group task meet with REMI analysis  
3 that's compared to methodologies and putting the  
4 current two modified versions of the current and  
5 Ohio's adapted to Illinois. So I realize the  
6 importance of this study in the decision-making  
7 process. And I am doing my best to produce a  
8 statistically sound report. I started working on  
9 this. And hopefully, I will send my reports to the  
10 work group before the next meeting. The next meeting  
11 is scheduled for September 8th. Thank you.

12 MR. LAVENDA: When we -- by the way, Steve  
13 Lavenda.

14 When we met a few weeks ago, we decided that  
15 we're going to have Nelson run some numbers for us.  
16 And he's going to put a report together. And we'll  
17 report back to this board here.

18 CHAIRMAN WAXMAN: So the September 8th date  
19 is the next meeting of your subcommittee?

20 MR. LAVENDA: Correct.

21 CHAIRMAN WAXMAN: Work group.

22 MR. LAVENDA: Work group, proper term.

23 CHAIRMAN WAXMAN: Must be appropriate. I  
24 have already crossed that line.

1 MS. CREDILLE: This is CeCe Credille. Just  
2 to clarify the presentation that Mr. Reppy made is to  
3 clarify the recommendation that IHCA is making for a  
4 recommendation to change the bed need formula to  
5 mirror Ohio. We really don't have anything else  
6 sitting on the table, so I say we put it forward,  
7 because it's pretty workable. So that's what the  
8 discussion was about. And Nelson is going to work  
9 numbers to see if we drafted this in Illinois what  
10 would it look like, right? For the benefit of the  
11 people who were not on the phone for the  
12 subcommittee, which there were lots of people on the  
13 phone.

14 MR. LAVENDA: Very few people here.

15 MS. CREDILLE: If you weren't on the call,  
16 that's the whole point.

17 MR. LAVENDA: Correct.

18 CHAIRMAN WAXMAN: Thank you. Thank you,  
19 subcommittee, for the work that you are doing and  
20 ongoing, work group.

21 MS. AVERY: And I did not reach out -- this  
22 is Courtney.

23 I did not reach out to Judy ahead of time to  
24 see if there was any updates or if the other group

1 leaders could meet. And I don't think they do,  
2 because she's pretty good at making sure that that  
3 happens.

4 But if I recall correctly, they're, in a  
5 sense, kind of in limbo until something happens with  
6 the newly formed work group.

7 CHAIRMAN WAXMAN: It looks like we're down  
8 to other business.

9 MS. AVERY: I don't have any.

10 CHAIRMAN WAXMAN: Anyone have any other  
11 business?

12 MR. GAFFNER: Al Gaffner.

13 Mr. Chairman and Courtney, as I was looking  
14 at the -- I am looking at the priority of the  
15 subcommittee sheet that had the five or six  
16 paragraphs on it.

17 MS. AVERY: The information taken from the  
18 statute?

19 MR. GAFFNEY: Yes.

20 MS. AVERY: Okay.

21 MR. GAFFNEY: Number two that was described  
22 as an open and transparent process developed  
23 considering the following: How nursing fits in the  
24 continuum of other providers, modernization,

1 establishment of more private rooms, development of  
2 alternate services, current trends in long-term care.

3 I believe there could be some merit if we  
4 considered a board group for this area as well.

5 Could I add something to that? In both locations, it  
6 won't be a surprise, that I have always believed that  
7 we need to be considerate how the AL and SL models  
8 have impact on it. I think that fits nicely into  
9 this particular verbiage that you have used. So I  
10 would really support the formation of the work group  
11 to be able to help advance number two.

12 MS. AVERY: And when you say "AL", assisted  
13 living?

14 MR. GAFFNER: Right. Assisted living,  
15 supportive. Just because it seems that it falls  
16 under that continuum of care with other providers,  
17 Courtney.

18 CHAIRMAN WAXMAN: Alan, what would you  
19 define the task of the worker? I am not opposed to  
20 it. I just want to understand a little better what  
21 you're thinking.

22 MS. AVERY: If I can interject real quickly.

23 If you recall, Mr. Waxman, this was some of  
24 the things that Eli had brought to the subcommittee

1 and kind of went away, unfortunately, when Eli  
2 passed.

3 CHAIRMAN WAXMAN: Passed away.

4 MR. GAFFNER: So to try to answer your  
5 question, Mr. Chairman -- and if I have read this in  
6 such a concise way before, I forgot what I did.  
7 Basically, to advance what it talks about to  
8 determine how we fit in the continuum of care with  
9 these other providers, development of alternate  
10 service, current trends. Just wrapping around that  
11 with a bit more, I guess, rifle focus than we're  
12 doing at the table in our every two-month or so  
13 meetings.

14 CHAIRMAN WAXMAN: Are you thinking in terms  
15 that you would invite people from whole continuum to  
16 join you in your work group?

17 MR. GAFFNER: I would say that the work  
18 group would determine what resources they need to  
19 best consider that. If in the meetings it was deemed  
20 that whether it be home health, whether it be  
21 pharmacy, whether it be rehab services, whether it be  
22 co-providers, yes, there would be resources to that  
23 and would contribute. Either on a visitation basis  
24 or if it was deemed they should be collaborative long

1 term.

2 CHAIRMAN WAXMAN: And again, I am not  
3 disagreeing with you at all.

4 Anyone else have any thoughts on putting  
5 together a work group to put some structure to the  
6 second item on the list?

7 MR. FOLEY: This is Charles Foley. I think  
8 even the act itself testifies all these other  
9 services is part of a planning process. By that, I  
10 mean, home health care services, supportive living,  
11 assisted living, even though these were specifically  
12 taken out of the act. But they do play a significant  
13 role. As someone has said, they are a part of our  
14 continuum. And I think our utilization basically  
15 speaks to it, because our utilization across the  
16 state is, in fact, low. And I think part of the  
17 reason why it's low is because of the offset of  
18 assisted living, supportive living, etc. I think we  
19 need to take a further look at this. Once again, I  
20 need to echo, if I can, all of Alan's comments.  
21 Thank you.

22 MR. PHILLIPEE: Mike.

23 CHAIRMAN WAXMAN: Tim.

24 MR. PHILLIPEE: I mean, I am not against it,

1 but could we talk about a roundabout over the years?

2 But the question is what would the result of  
3 this task force be? What is the goal? What is the  
4 purpose? Beyond just talking about it. We have  
5 talked about it forever. What would you want to get  
6 out of it? Because these services are not covered by  
7 the board. So what is the result you're wanting from  
8 the task force?

9 MR. GAFFNER: This is Alan Gaffner. I  
10 believe it's what was described in that initial  
11 action phrase, House Bill nursing fits in the  
12 continuum of care with these other providers. That  
13 would be my goal, Tim.

14 MR. PHILLIPEE: When I see it phrased here,  
15 it sounds like it's where nursing facilities fit.  
16 It's not asking where those others fit.

17 MR. GAFFNER: Absolutely. Yet where skilled  
18 nursing fits is not an island to itself, but there  
19 are forces and factors that shape that. And I  
20 thought that was what -- and I wasn't inside Eli's  
21 head, Courtney, because I was not here. He may have  
22 drafted this or if this is staff language. But I  
23 think that speaks to it in terms of, Tim, alternate  
24 services, current trends. These are all the forces

1 that shape the position of long-term care in the  
2 continuum and delivery process.

3 MS. AVERY: This is Courtney. This language  
4 is straight from the Health Planning Act.

5 MR. GAFFNER: Thank you.

6 CHAIRMAN WAXMAN: I guess Tim's question may  
7 be my question, or maybe I will see if Tim -- I guess  
8 my question is what is the final product of the work  
9 group? How would you envision the final product  
10 being? A report? A document? A suggestion? Or  
11 just information to share with this group? What are  
12 you -- you're putting yourself out there. What is it  
13 that you want this work group to come back with as a  
14 final product?

15 MR. GAFFNER: Certainly. Alan Gaffner.

16 Very fair question. And without having this  
17 before me and coming, I am trying to take what I see  
18 as something very important here and then put the end  
19 product on it that you're asking for.

20 CHAIRMAN WAXMAN: I think that's where Tim  
21 was going to, right?

22 MR. PHILLIPEE: Right.

23 MR. GAFFNER: I think at this point it's a  
24 bit difficult to look completely around the corner to

1 know what that final outcome is. I believe  
2 definitely a report. But I could see that work  
3 process developing; and then as that is ongoing,  
4 determine the end goal. Which may be then the report  
5 having recommendations for this group that would  
6 advance to the planning board.

7 Is there -- and I will speak theoretically  
8 now, if I may, Mr. Chairman. Is there more or less  
9 regulation needed in some of these interfaces with  
10 these other providers? Is because of the forces of  
11 these other providers, should there be, as Chairman  
12 Olson asks, would this give us more impetus to ask  
13 for some easing of some parts of the certificate of  
14 need process.

15 I apologize, but I can't put a one through  
16 five as concrete. But I believe that there could be  
17 very hard actionable items that could come out of a  
18 report that would make those recommendations.

19 CHAIRMAN WAXMAN: Would you want a little  
20 time to digest your thoughts and maybe put together  
21 an action paper and share with us?

22 MR. GAFFNER: I am certainly willing to do  
23 that and would welcome the invitation if the group  
24 believes that that would be helpful before we move

1 forward.

2 But I just was taken by that as it seems to  
3 me to really speak to where we are and what we're  
4 trying to do globally as the long-term care provider  
5 community. So I would welcome that opportunity to  
6 prepare that for you, sir.

7 CHAIRMAN WAXMAN: And I guess I take the  
8 negative approach. Is there anybody here that thinks  
9 we should not be doing additional work in that area?

10 MS. CREDILLE: Can I make a comment? This  
11 is CeCe Credille.

12 Perhaps what would be beneficial is back to  
13 Kathy Olson's comment that she said the folks on the  
14 planning board are not familiar with long-term care,  
15 nor is she. So perhaps the end goal would be  
16 providing a report to the board on what is happening  
17 and how skilled nursing fits in the continuum. And  
18 that enormous changes that have happened with, quite  
19 honestly, the health care reform going on right now.

20 I don't know. I am making this up. But  
21 that would be a tangible thing. Just to meet again.  
22 Because I hear what everybody is saying. Talk and  
23 pontificate, nobody is interested. The end thing is  
24 if we want to educate the board on the continuum and

1 what is happening specifically and how it impacts  
2 this industry, that's what our job is.

3 MR. GAFFNER: And this is Al Gaffner.

4 I certainly want to clarify, and most  
5 importantly for the record and Tim's question, and  
6 that of the Chairman are very similar. I was not  
7 suggesting additional meetings for pontifications.  
8 Not at all.

9 MS. CREDILLE: If you have an end game. If  
10 that becomes the end game.

11 MR. GAFFNER: Absolutely. That's what I was  
12 trying to speak toward the Chairman. It was  
13 something I was struck by this in the hour or as  
14 Courtney passed it out to us. The depth, I think  
15 there could be -- and I guess I would say, Courtney,  
16 thanks for adding that, you know, I wasn't familiar  
17 with all the parts of that being in statute. If it's  
18 in statute, that would seem to have some relevance  
19 for it, and some weight and meaning since that's what  
20 is driving and overarching us. So if it's in  
21 statute, I believe we have a calling to speak to  
22 that. So thank you.

23 If you would like, Mr. Chairman, I would  
24 prepare that. And I appreciate your opportunity. If

1 that helps us move toward that.

2 CHAIRMAN WAXMAN: And again, if there is  
3 anyone here that would like to conference with Alan  
4 and write something together -- again, I am speaking  
5 for you.

6 MR. GAFFNER: I would welcome that.

7 CHAIRMAN WAXMAN: If anyone would like.

8 MR. FOLEY: Alan, this is Charles Foley. I  
9 would be more than glad to help you in any way that I  
10 can.

11 MR. GAFFNER: Thank you.

12 MS. GINTHER: This is Amanda Ginther. I  
13 mean, I know my name is not on the letterhead or  
14 anything, but I think that this section kind of fits  
15 within this ranking of priorities of incorporating  
16 prochromatic aspects of care. Like not just, you  
17 know, the SLIF and the assisted living, but some of  
18 the other things that are listed in these priorities  
19 of the subcommittee seem to point to the number two  
20 thing listed on the priorities that you all came up  
21 with years ago, right? Because it's like specialized  
22 care, modernization, other alternative services.

23 So I would help, Alan.

24 MR. GAFFNER: Thank you.

1           Anyone else that would like to cooperatively  
2 try to draft that document? I have Charles and  
3 Amanda written down.

4           Anyone in Springfield or here at Chicago?

5           MS. AVERY: Any information that you all  
6 need, the staff would be more than happy to gather  
7 that.

8           MR. LAVENDA: I will help you also.

9           MR. GAFFNER: Oh, good. Thank you, Steve.

10          MR. FOLEY: Alan, who was it?

11          MR. GAFFNER: Some others here in Chicago  
12 that would be interested.

13          MR. CASPER: This is Bill Casper, I would  
14 offer to do that as well.

15          MR. GAFFNER: Steve and Bill volunteered to  
16 help as well.

17          MR. CASPER: I have a comment I'd like to  
18 make. I guess I think putting some kind of, whatever  
19 you want to call it, position paper or white paper on  
20 how to approach this would be the first step I would  
21 think, presuming that the way we would go about  
22 addressing this would be another work group is  
23 premature at this point. It might be the entire  
24 subcommittee educating itself or getting some experts

1 to present to us and might not be a work group  
2 effort.

3 MR. GAFFNER: And I mention work group just  
4 to see if that would be a way to help expedite it.  
5 Totally agree, Bill. If we're a committee of the  
6 whole, so to speak, borrowing the term from the  
7 legislature. I am fine with that. Thank you.

8 And the minutes will likely reflect, or  
9 Courtney, if you want to send out if there are others  
10 that weren't online today --

11 MS. AVERY: The minutes will be posted. But  
12 I will call attention to that.

13 MR. GAFFNER: If they would like to  
14 collaborate in preparing this to try to target some  
15 direction for us as a group, I would welcome that.

16 MS. AVERY: Okay.

17 MR. GAFFNER: Thanks to those that  
18 volunteered. Thanks for the opportunity,  
19 Mr. Chairman.

20 CHAIRMAN WAXMAN: Any other other business?  
21 Okay. Is there anything?

22 (No response.)

23 MR. FOLEY: Can I make a motion to adjourn?

24 CHAIRMAN WAXMAN: It's inappropriate, Mr.

1 Foley.

2 I guess we should go on record and  
3 acknowledge that two staff members are no longer with  
4 the organization. Claire's gone and Cathy is gone.  
5 So we certainly thank them for all the years of  
6 service and wish them well to do whatever they're  
7 doing. So I am assuming most of you knew that  
8 already. But again, I think --

9 Do we have anything? Schedule? We need to  
10 schedule our next meeting. So this is August, so the  
11 next meeting would be in October. Open for  
12 suggestions. October? Something like the week of  
13 the 19th?

14 MR. FOLEY: 14th, 15th?

15 UNIDENTIFIED SPEAKER: 22nd.

16 CHAIRMAN WAXMAN: The 22nd works for me.

17 MS. CREDILLE: Can I -- for just a second  
18 though. Am I making this up or didn't you suggest  
19 that we be able to present something at the November  
20 board meeting?

21 MS. AVERY: I was saying that --

22 MS. CREDILLE: This is CeCe.

23 MS. AVERY: I was saying that if you all  
24 wanted to, the next meeting is in November. I think

1 after that is January.

2 MS. CREDILLE: The date was November?

3 MS. AVERY: The board meeting is  
4 November 17th.

5 CHAIRMAN WAXMAN: What is the date?

6 MS. AVERY: November 17th.

7 MR. FOLEY: Has to be another board meeting.

8 MS. AVERY: So are you thinking that --

9 MS. CREDILLE: I don't know. I don't know  
10 what we've got. I don't know if we have something to  
11 present on November 17th and we don't, and the next  
12 meeting is in January, it would be hard for this  
13 group to get together in December. You have to help  
14 me out here, I am going down some crazy page.

15 MR. MORADO: I would suggest that our bylaws  
16 call for the subcommittee chair to present to the  
17 board or at least provide a presentation. And maybe  
18 Mr. Waxman can do that or the vice chair in the  
19 November meeting. And it could be more a general  
20 update of where the subcommittee is headed and what  
21 they're doing. And then also provide bylaws in the  
22 statute.

23 Come January, we're going to have to make a  
24 report. Based on the feedback we get in November, we

1 can figure out if we're going to report in January.  
2 So this should probably be in October. And then  
3 maybe one more time in December to finalize what  
4 their January report is going say.

5 UNIDENTIFIED SPEAKER: So October 15th or  
6 22nd, I guess, would be the two.

7 CHAIRMAN WAXMAN: I can do the 15th. I can  
8 do either 15th or 22nd.

9 MS. AVERY: October 15th is a Thursday.

10 MR. FLORINA: I am not available that day.  
11 The 22nd is good.

12 CHAIRMAN WAXMAN: The 22nd is good.

13 MS. AVERY: So we'll, of course, look for  
14 space.

15 Are you still on board this setup?

16 CHAIRMAN WAXMAN: That's fine.

17 UNIDENTIFIED SPEAKER: Can't beat the view.

18 CHAIRMAN WAXMAN: Okay. I need to do one  
19 more thing and that is to ask if any non-member guest  
20 would like to make a public comment.

21 MR. KNIERY: No thanks.

22 CHAIRMAN WAXMAN: This is in compliance with  
23 the Open Meetings Act. And our excellent staff  
24 attorney is writing it out for me.

1           Hearing none, we can move on.

2           Next meeting has been established.

3           Mr. Foley, I will now accept your motion to  
4 adjourn.

5           MR. FOLEY: Thank you.

6           MR. CASPER: I will second that.

7           CHAIRMAN WAXMAN: All in favor.

8                           (Chorus of ayes.)

9           CHAIRMAN WAXMAN: Any opposed?

10                           (No response.)

11           CHAIRMAN WAXMAN: Motion to adjourn. Thank  
12 you all.

13                           (Ending time: 11:44 a.m.)

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

*Angela C. Turner*

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Angela C. Turner

IL CSR #084-004122

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