

**Long-Term Care Facility Advisory Board Meeting
February 16, 2017 • 10:00 a.m.**

Approved Minutes

I. Call to Order

Members present: Mike Bibo, Dr. Albert Maurer, Terrence Sullivan, Jamie Freschi, Dr. Alma Labunski (teleconference), Robert Roiland (Proxy Dwight Miller), Mark McCurdy, and Pamela Blatter (Teleconference)

Members absent: George Bengel

IDPH representatives and Guests: Sean Dailey, Darlene Harney, Connie Jensen, George Logan, Elaine Huddleston, Dwight Miller (Proxy for Robert Roiland), John Cirn, Wendy Meltzer, Patricia Heidenreich, Jason Grigsby, Lisa Griffith, Andrew Schwartz, Pat Comstock, Erin Davis, and Bill Bell

II. Introductions

Darlene Harney, Chair called the meeting to order at 10:00 am. Board members, guests and Department staff were asked to introduce themselves. A quorum was established at this time.

III. Approval of meeting minutes

The draft minutes of the May 19, 2016, June 29, 2016, August 18, 2016 and November 17, 2016 meeting were reviewed and discussed by the Board. A motion to approve the minutes as presented were made, second and motion was unanimously carried.

IV. Membership Update

1. Membership vacancies – four (4) voting vacancies
 - a. Two (2) Public Members
 - b. One (1) Resident Advisory Council Member
 - c. One (1) Advocacy or legal Assistance Member

Darlene Harney covered this section on Board Membership update. Board members were reminded the Board has four (4) voting vacancies with the latest vacancy being filled for former Board member Donna Ginther by Terrence Sullivan. Voting Board members were reminded if unable to attend the meeting to obtain a proxy to serve in their absence, and to email this proxy information to Elaine Huddleston and Jason Grigsby.

2. New Members

Darlene Harney welcomed new Board Member Terrence (Terry) Sullivan with Alliance for Living, as newly appointed member to join the Board. Terrence Sullivan gave a short introduction.

V. Unfinished Business

- a. Draft Psychotropic Medication Informed Consent Form
 - i. Darlene Harney presented this form to the Board for review and comments.
 1. A copy of the form was handed out to Board members.
 2. Board members were asked if they had any comments or questions.
 3. No rules have been developed for this form.
 4. Board does not need to vote on approval of the form.
 - ii. Board Members shared some of their questions and concerns about the form
 1. Overall a problem is with the language of the consent form
 - a. Problem with CONSENT Questions
 - b. Questions need to be reformatted or revised on the form
 - c. Response to two questions - "will/will not" and "does/does not" - confusing
 2. Three different parties involved with answering questions on the form
 - a. Facility
 - b. Physician
 - c. Pharmacy
 3. Each of these parties not know all the answers to the questions
 - a. Statue does not address who completes the form
 4. Psychotropic meds require consent
 5. Concern with Medicine listed and side effects
 6. Physician order needs to be put on form
 7. Consent Form was developed by the Department
 - a. Form not reviewed by legal
 - b. Not required to be voted on for approval by the Board
 - c. Department responsible for language and development of consent form
 - d. Should be able to down load the form and make it fillable
 8. Look at Administrative perspective
 - a. Something goes wrong - consequences
 - b. Burden falls under facility or provider
 9. Form needs more research and restructured
 - iii. Mike Bibo expressed some of his concerns with the form
 1. Department needs to draft/develop rules for the inform consent form
 - a. Need more time for thought process
 - b. Board members need to submit their comments and suggestions
 - i. develop better wording of sentence
 - ii. change the flow of sentence structure
 - c. Implement the form as is could be problematic
 - iv. Dr. Albert Maurer expressed some of his concerns with this form
 1. Hand out was given to Board members and guests
 - a. Handout presented some questions and concerns
 - b. What is the background for this form/code
 - c. Authoritative resources available to those who complete this document
 - d. Document is completed by a licensed professional
 - i. Within the scope of his/her professional license or practice
 - ii. Increase potential for liability
 - e. Overhead costs for physician off site
 - f. Untenable position for a facility at survey for noncompliance
 - v. Terrance Sullivan expressed some concerns he had with this form
 1. Questioned the language of the form

2. Department needs to research the document more
3. Design of form is too standardized and confusing
4. Developed a one (1) page form
5. Work more with the Pharmacy to include more Pharmaceutical information, risk factors, range of dosage, and side effects of medicine being prescribed
- vi. Connie Jensen ask if there were any further comments or questions
- vii. The Board had no other comments or questions.

VI. New Business

- a. Skilled Nursing and Intermediate Care Facilities (77 IAC 300), Sheltered Care Facilities (77 IAC 330), and Illinois Veterans' Homes Code (77 IAC 340):
 1. Sean Dailey presented this information to the Board;
 2. Rulemakings seek to remove the requirement for SSN of persons who have financial interest in the operation and ownership of a facility
 3. Board Members were asked to review and comment on the changes to these rules so the Board can vote on them
 - i. No requirement in the Act
 1. Conflicts with the other rules
 2. Not been updated since 1990
 3. Statutory Language is out dated
 4. Reason to remove SSNs requirements
 - 1) Provides more protection
 - 2) Protects against identity theft
 - 3) Department does not want custody/responsibility of this information
 - ii. Mike Bibo expressed some of his concerns to the changes
 1. Make sure nothing else is changed to this section on concept of ownership
 2. This requirement is covered under other rules
 3. Other Administrative forms that have SSN requirement
 - iii. Sean Dailey commented
 1. No intent to change the requirement of the ownership section
 2. The change in the proposed rules is to just remove the requirement to include SSNs from the application on the statement of Ownership document
 - iv. Board shared additional comments
 1. Clean up of wording is needed
 2. Match with Statuary Language to remove SSN requirement
 - v. Board had no other comments or questions

Mike Bibo motioned to approve the Rules with minor corrections, Pam Blatter seconded, all in favor of approval, and motion was made to adopt the rules.

- b. Long-Term Care Assistants and Aide Training Program Code (77 IAC 395)
 1. This rulemaking seeks to increase the student-to-instructor ratio for laboratory instructors from 15 to 16 students;
 2. Change would combine two clinical 's into one;
 3. Option would increase the opportunity for more nurse aides to complete the training;
 - i. Increase number of nurse aides to enter the workforce, and
 - ii. Last review of rules was in 2013
 4. Board Members shared additional comments and concerns
 - i. When first introduced student-to-instructor ratio was 1-8;
 - ii. Additional Rule change made the ratio to 1-10;
 - iii. New changes to rules will increase ratio from 15 to 16 students per instructor, and
 - iv. Increase will allow two classes per clinical setting

1. Concern with less 1:1 time per student
2. Decrease total time student gets personal time with instructor
5. Connie Jensen commented will take the Board concerns under consideration
6. Darlene Harney ask if there were any further comments or questions
7. The Board had no other comments or question

Mike Bibo motioned to approve the Rules, Terrence Sullivan seconded, and all in favor of approval, with one opposed. Motion was made to adopt the rules.

- c. Skilled Nursing and Intermediate Care Facilities (77 IAC 300), Sheltered Care Facilities (77 IAC 330), and Illinois Veterans' Homes Code (77 IAC 340)
 1. Sean Dailey gave a brief reviewed of this rulemaking section that implements PA 96-1372 with regard to distressed facilities.
 2. Darlene Harney gave a brief review of the testing process for determining the distressed facilities;
 - i. Department ran several test runs
 - ii. Point value 75 or more
 1. 47 facilities will meet the criteria
 - iii. Took several test runs
 1. 3rd test run included 75 facility distress status
 2. 56 facilities ended up with distress status
 3. Re-run test based on the data collected from results of the test run
 3. Board shared additional comments/discussion to this section on distressed facilities
 - i. IDPH Attorney, Andrew Schwartz commented
 1. Rules adopted based on data collected/analysis
 2. Keep Department findings private until rules adopted
 - a. Do not share results of 56 facilities - name of facility
 3. Not familiar with LTC Regulations or criteria on this section
 4. Will need to take a moment to review Section 304.2
 - ii. Mike Bibo commented
 1. Laws written based on GAO Analysis
 2. Run GOA report came up with 47 facilities
 3. Goal is to not have facility on the report forever
 4. Clean survey report use CMS Federal Five Star Rating
 5. Reach 75 pts three years ago
 - a. On list 3years no matter what happens
 - b. Always on monitoring
 - iii. George Logan read section 304.2b of the Act
 1. GAO set the number for the formula
 2. Test run - Department conducted to develop a run
 - iv. Bill Bell read section 304.2h of the Act
 1. test run can hinder a business by being on the distress list
 2. On the list too long - license can be denied
 - v. Members questioned the formula process;
 1. 75 % the 1st year and not go down after additional surveys;
 2. Why the formula requires a certain number of facilities;
 3. Once a facility is on the distress list with 75 pts - will remain on the list for three years;
 4. Formula now does not allow a facility to get below the 75 point even with a good survey;
 5. Need to look at changing the formula to the Nursing Home Five Star point value, and.

6. Will give the facility a chance to be removed from the list
- vi. Discussion of rules conducted 6 year ago.
 1. Long period of time between discussion
 2. Does not represent reality of today surveys

Mike Bibo commented to look at other suggestions and comments and revisit at the next meeting. Mike Bibo motioned to table and bring back to the next meeting for further discussion, Dwight Miller seconded, and all in favor motion was set.

Darlene Harney commented this concludes the discussion of the Rules review process by the Board.

Meeting:

- II. Next Board Meeting is May 18, 2017 at 10:00 am
- III. Agenda items to Darlene Harney, darlene.harney@illinois.gov by April 20, 2017
- IV. Confirm attendance (or designated proxy) via email to Elaine Huddleston, elaine.huddleston@illinois.gov or Jason Grigsby, Jason.grigsby@illinois.gov by May 4, 2017.
- V. Agenda items will be sent to the Board two (2) weeks prior to the meeting date.

Meeting adjourned