

Illinois Department of Public Health
Office of Health Care Regulation

**DD Facility Advisory Board Meeting
February 8, 2017 • 10 a.m.**

APPROVED MINUTES

Call to Order and Introductions

Chair, Connie Jensen called the meeting to order and introductions were made

Members Present: Bill Bell (proxy for Michael Bibo), Lois Sheaffer-Kramer, Deborah Kennedy, Dr. Geunyeong Pyo, and Susan Fonfa

Member not Present: Nancy Andrade

IDPH Representatives and Guests: Sean Dailey, Connie Jensen, George Logan, Darlene Harney, Daniel Levad, Elaine Huddleston, Henry Kowalenko, Marie Rucker, Lisa Griffith, Jason Grigsby, Jeffrey Stauter, Sarah Myerscough-Mueller and Christopher V. Marbaniang

Approval of August 10, 2016 and November 9, 2016 Meeting Minutes

The Board was not able to vote on the August 10, 2016 and November 9, 2016 minutes due to lack of a quorum; will bring back to the May 10, 2017 meeting for review and to vote on.

Membership Update

1. Membership vacancies – six (6) voting vacancies
 - a. One (1) Physician voting member
 - b. Two (2) Provider Association voting members
 - c. One (1) General Public voting member
 - d. One (1) Resident Advisory Council voting member
 - e. One (1) Advocacy or Legal Assistance voting member

Connie Jensen covered this section on Membership vacancies update for this Board;

- a. Board now has six (6) voting vacancies
 - i) Count Includes four (4) voting vacancies that need to be filled, and
 - ii) Includes two (2) voting members whose terms that have now expired.
- b. Board includes nine (9) voting members;
 - i) Need six (6) active voting members in order to make a quorum;
 - ii) Currently has three (3) active voting members at this time;
 - ii) Does not meet a quorum per OMA, and
 - iv) Unable to vote on legal matters.
- c. Brief review of the Board Membership application process;
 - i) Receipt of a properly completed application from a candidate/applicant;
 - ii) Includes a back ground check through State Police;
 - iii) Approval by the Department's Deputy Director, and
 - iv) Processed to Governmental Affairs/Director's Office for final approval/appointment.

- v) Reminder this is a lengthy review process.
 - d. Board members shared a few comments and questions;
 - i) Voting members can attend the meeting by video or teleconference as another option.
 - ii) By-laws were changed last February to add teleconference as another option to attend Board meetings;
 - e. Bill Bell questioned the criteria for position for Residential Advisory Council
 - i) Could this position also be a family member?
 - ii) Adding family member as part of the criteria might help to fill this vacant position.
 - f. Department will need to revisit the statute to review the position criteria.
 - i) Sean Dailey will review the Act and bring back to the Board.
 - g. Members were reminded to contact the Department with any names and contact information of candidates to help fill the vacant positions listed on the Agenda and Board Membership list.
2. Expired terms – two (2) members' terms expired.
- a. Two Board members terms have now expired.
 - i. Board member, Lois Sheaffer-Kramer commented submitted her completed application for reappointment late and has not heard of approval or reappointment yet.
 - b. Board Members were reminded that for Board Members whose terms that are up for re-appointment or expiring terms;
 - i. Required to complete a new Board Membership application.
 - ii. Reappointment applications have been received by the Department;
 - i) Applications are in the review/approval process;
 - ii) Applications are pending final approval from Governmental Affairs/Director's Office; and
 - iii. Review/approval process is the same as a new appointee application submitted for initial review and approval.

II. Old Business

- a. Draft Psychotropic Medication Informed Consent Form
 - a) Connie Jensen presented this form to the Board for review and comments
 - i) A copy of the form was handed out to Board members for review
 - ii) Board members were asked if had any comments or questions
 - iii) No rules have been developed for this form
 - iv) Board does not need to vote on approval of the form
 - b) Board Members shared some of their questions and concerns about the form
 - i) Department did not add guardian or POA to the form
 - ii) Have a problem with the language of the consent form
 - iii) Psychotropic meds require a consent
 - iv) Client/patient refuses medication/treatment
 - v) Does not consent but guardian/POA does
 - vi) Client/patient is out of control
 - (1) Need for a process in place for treatment
 - vii) Form was developed by the Department
 - (1) Needs more research prior to releasing
 - (2) Form not reviewed by legal
 - (3) Not required to be voted on for approval by the Board
 - viii) Issue that client/patient has rights to refuse guardian consent
- c) Bill Bell commented on behalf of Mike Bibo

- i) Department needs to draft/develop rules for the informed consent form
 - ii) Mike Bibb is working with Medical Director
 - iii) Need more time for thought process
 - (1) Form is being presented at the next LTC Advisory Board meeting
 - (2) Wait for their discussion/thought response about the form
 - (3) Board members to submit their comments and suggestions
 - (4) Need to develop better wording of consent form
 - (5) Implement the form as is could be problematic
 - (6) Department form not mandated
 - d) Board reminded about patient/clients individual rights
 - i) Look at individual guardian of a patient
 - ii) Resident/clients rights based on individual rights
 - iii) Rights should be discussed per Mental Health Code
 - e) Connie Jensen ask if there were any further comments or questions
 - i) Board had no other comments or question
- b. New Business
- i) **Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350)** and
 - ii) **Long-Term Care for Under Age 22 Facilities Code (77 IAC 390)**
 - (1) Connie Jensen presented this information to the Board and explained the rules;
 - 1. Rulemaking seeks to remove the requirement for SSN of persons who have financial interest in the operation and ownership of a facility.
 - 2. Board members shared their questions and concerns with these proposed changes
 - a. Conflicts with the rules
 - b. Not been updated since 1990
 - c. Statutory Language is out dated
 - d. Removal of SSNs
 - e. Provides more protection
 - f. Protects against identity theft
 - g. Department does not want custody/responsibility of this information
 - 3. Section 390 on Ownership Disclosure statement
 - a. Section #5/page 9- extra paragraph
 - b. Clean up of wording is needed
 - 4. Bill Bell expressed a concern on behalf of Mike Bibb
 - a. Questioned the concept of ownership less than five percent
 - b. Wording in proposed rules about five percent or more of ownership
 - c. The effects this change has to proposed rules
 - 5. Sean Dailey commented no intent to change the requirement of the ownership section
 - a. Change in the proposed rules is to just remove the requirement to include SSNs
 - 6. Board reminded this being a rule making process
 - a. Board will need to review and vote on them;
 - b. A quorum was not established at this time, and
 - c. Will need to bring back to the next meeting to vote on them.
 - 7. Connie Jensen ask if there were any further comments or questions
 - a. Board had no other comments or questions
- b) **Long-Term Care Assistants and Aide Training Program Code (77 IAC 395)**
- (1) 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;
 - 1. Option would increase the opportunity for more nurse aides to complete the training,

2. Increase the number of nurse aides to enter the workforce.
- (3) Connie Jensen reminded the Board this topic being a rule making process;
 1. Board will need to review and vote on them;
 2. A quorum was not established at this time, and
 3. Will need to bring back to the next meeting to vote on them.
- (4) Board Members were asked if there were any further comments or questions
- (5) The Board had no other comments or question

III. Meeting:

- 1) Next Board Meeting is May 10, 2017 at 10:00 am.
- 2) Agenda items to Connie Jensen, connie.jensen@illinois.gov by April 12, 2017.
- 3) Confirm attendance (or designated proxy) via email to Elaine Huddleston, elaine.huddleston@illinois.gov or Jason Grigsby, Jason.grigsby@illinois.gov by April 26, 2017.
- 4) Agenda items will be sent to the Board two (2) weeks prior to the meeting date.

Meeting adjourned