



ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
 OFFICE OF HEALTH CARE REGULATION  
**DEVELOPMENTALLY DISABLED FACILITY ADVISORY BOARD MEETING**

**August 7, 2019 • 10:00 AM**

**APPROVED MEETING MINUTES**

**I. CALL TO ORDER AND INTRODUCTIONS:**

Chairperson Aimee Isham called the meeting to order at 10:03AM.

**MEMBERS PRESENT:** Fabricio Balcazar (phone), Michael (Mike) Bibo (Springfield office), Anne Fitz (Non-voting member) (phone), Dr. Geunyeong Pyo (Springfield office), Lydia Sharp (Proxy for Deborah Kennedy) (Springfield office), Lois Sheaffer-Kramer (phone), Jeff Stauter (phone)

**MEMBERS NOT PRESENT:** Deborah Kennedy, Meg Cooch

**IDPH REPRESENTATIVES:** Sean Dailey, Aimee Isham, Connie Jensen, Daniel Levad, George Logan, Jennifer Uhles, Sara Wilcockson

**GUESTS:** Bill Bell, Marie Rucker, Brad Walkenhorse

A quorum was established.

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Lois Sheaffer-Kramer to approve the June 17, 2019 meeting minutes. Minutes were approved unanimously.

**III. MEMBERSHIP UPDATE:**

A. Membership Vacancies:

- 1) IL Department of Healthcare & Family Services (Non-voting).
- 2) Physician Member
- 3) Resident Advisory Council Member.

Governmental Affairs will help to recruit and fill membership vacancies.

**IV. OLD BUSINESS:**

**A. Part 350 revisions and adoption of regulatory language:** Per Sean Dailey – The Part 350 revisions have not been completed. Per Aimee Isham, it was agreed to adopt the regulatory federal language.

**B. Status of 350 and 390 definition changes:** Per Sean Dailey, we're waiting on language from architect for the 350 and per Sara Wilcockson, 390 is pending with rules coordinator in the Governor's Office.

**C. Status of Repeal of 350.3720 b):** Per Mike Bibo, the repeal of this language has been discussed prior and he is in support of the repeal of this section. This language states no person can be the Administrator of more than four licensed ICF/DD facilities of 16 beds or less. There have been long standing waivers that have allowed up to 10 facilities, especially when it's in a close geographical area (hub). This is not a federal regulation, merely a state regulation.

George Logan asks that if b) is repealed, language be added that an Administrator can manage no more than a maximum of 10 facilities.

Connie Jensen asks that the caveat be added that they need to be in a geographical hub.

Lydia Sharp states there seems to be an assumption that 4 hours is the minimum but is also the maximum and states repealing this language would have a ripple effect. Mr. Bibo acknowledges 4 hours is not the maximum but knows very few Administrators that work 40 hours/week.

Jeff Stauter would like to see competent Administrators overseeing more homes than being spread out, as is currently. Agrees with Mr. Bibo that these Administrators could oversee 5, 6, maybe 7 homes. Operationally, this would help the quality of their program. Lois Sheaffer-Kramer agrees.

Sean Daily asked how repealing b) would affect subsection e) which states 1 person can perform the function of an Administrator and a Resident Services Director? Mr. Bibo doesn't believe it will impact it.

Dr. Balcazar asks how many positions will be lost? Mr. Bibo states none.

George Logan asks that if b) is repealed, language be added that an Administrator can manage no more maximum of 10 facilities. Connie Jensen asks that the caveat be added that they need to be in a geographical hub. Mr. Bibo is fine with both.

Lydia Sharp states that according to discussion, it doesn't sound as though a complete repeal would be appropriate but rather modifying the language to be more structured rather than just removing it and then discussion as to what that would look like.

**D. Electronic Monitoring Devices:** No need for any additional rulemaking to comply with HB 344.

Mike Bibo brought up his concerns regarding Amazon Echo, Google Home and other electronic monitoring devices. Concern with recording and being listened to by Amazon development staff as potential HIPAA violations. Mike Bibo recommended all users and roommates complete the consent form. It was noted Amazon and Google have been made aware of the situation of possible HIPAA violations.

**E. Economic and regulatory impact of currently proposed rules (Sec. 2-204(b)):** Sean Dailey provided overview of rulemaking process. Discussion about whether the Department or the advisory board should determine the fiscal impact of a rule. It was asked that the advisory board bring up any fiscal impact concerns of rule changes, amendments, or new rules at the time of presentment.

## **V. NEW BUSINESS:**

**A. Advisory Board By-Law revisions approval:** Jennifer Uhles provides an overview of revisions made to match statute and to comply with the Open Meetings Act.

Additional suggestions made regarding public comment period. No vote taken at this time and updated by-law revisions will be presented for a vote at the November meeting.

- B. Review the Departments Annual Report recommendations for any modifications to regulations suggested by the number and nature of waivers requested and granted and the difficulties faced in compliance by similarly situated facilities (Sec. 3-303.1(b)):** Mike Bibo requested that when the annual report is prepared for 2020 that the waivers in the report reference all types including waivers under the Health Care Workers Background Check Act.
  
- C. Review the Departments Annual Report (complaints received, anonymous, non-anonymous and whether they were substantiated) (Sec. 3-702 g)-5):** Discussion in regard to updating format, necessary information, making it easier to read. There are quite a few mistakes on the report that was distributed, especially throughout the percentages. An updated draft will be distributed at the November meeting.

**VI. ADJOURN:**

Chairperson, Aimee Isham asked for a motion to adjourn. Motion approved unanimously.