



ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH CARE REGULATION
LONG TERM CARE FACILITY ADVISORY BOARD - SPECIAL MEETING
November 12, 2019

APPROVED "SPECIAL" MEETING MINUTES

I. CALL TO ORDER AND INTRODUCTIONS

Aimee Isham called to order at 10:05 a.m.

MEMBERS PRESENT (IN SPFLD OFFICE UNLESS OTHERWISE NOTED):

Patrick Baalke*(phone), Donna Ginther (proxy for Ron Nunziato*),
Mark McCurdy (phone), Dr. Albert Maurer*, Mike Bibo*, Karen
Christensen*

***Indicates voting member**

MEMBERS NOT PRESENT: George Bengel, Candice Moore*, Caroline Chapman*, Dr. Martin
Gorbien*, Kelly Richards, Ron Nunziato*, Dr. Alma Labunski*

***Indicates voting member**

IDPH REPRESENTATIVES: George Logan, Sean Dailey, Jennifer Uhles, Erin Conley, Sara Wilcockson,
Melinda Snyder, Michelle Millard, and Debra Bryars.

GUESTS: Sherry Mitchell, Eric Lane, Matt Hartman, Kirk Riva, Matt Werner,
Kimberly Palermo, Pat Comstock, Donna Ginther

- Quorum was established.

II. MEETING MINUTES

- No minutes presented for approval from the Special meeting on 11/07/19.
- All the minutes from previous meetings will be sent out prior to the 11/21/19 Regular LTC Advisory Board Meeting.

III. OLD BUSINESS

- Part 300 Informed Consent/Staffing Discussion - Continued from the previous 11/07/19 special meeting starting on page 33 Section K 300.1230.

Section K

- Section K makes references to the posting of the work schedule.
- Mike Bibo – Requested the specific timeframe removed from the language.
- Donna Ginther – Had several questions around the specific 14 days because in Cook County it's 10 days. The timeframe was not of great concern but would like a consistent timeframe.
- Erin Conley referenced the laws around an Order of Protection including leaving names and work times for public view. However, if the work schedule is not posted in a public place names do not have to be redacted. The rules do not require it to be displayed in a public place.
- There was a similar discussion regarding # 3 on page 34 – Record Retention of 3 years. Matt Hartman would like to see some clarification on “files in the facility in the administrator’s office”.
- The Department will take under advisement and change to 10 days on the posting of schedules and 2 years regarding record retention.

Section 300.1231- Calculation of Direct Care Staffing During Inspections and Evaluations

- Donna Ginther was unsure what was meant by evaluations. Debra Bryars clarified it only referred to the surveys.
- Mike Bibo noted 42 CRF 483.25(g) was incorrect. George Logan believes it is a typo. Sean Dailey let the Board know all references and citations will be reviewed prior to the final draft.

Section 300.1232 – Waiver of Registered Nurse Staffing Requirements

- Matt Hartman would like to see clarification regarding timeframes for notifying the residents.
- Matt Hartman provided additional changes to other sections that were not discussed at the meeting because the Department had only received them the morning of the meeting.
- Discussion around the term violation vs. penalty. The issue was not resolved.

- Discussion around the approval of R.N. Waivers prior to any violation. Debra Bryars stressed no “just in case” waivers will be approved due to lack of staff or funding for new staff. Donna Ginther wanted the waivers to be used as a proactive method of dealing with the lack of staff specifically an RN.
- Donna Ginther had raised several concerns regarding the HFS requirement for a staffing plan. Mark McCurdy, HFS, stated it could be added later if approved by IDPH.
- Discussion centered around Section K and L (page 41). Matt Hartman would like to see clarifications around the term “newly licensed” facilities. Mike Bibb thought it might relate to the 120 days probation period.
- Section L – Donna Ginther had an issue with the waivers being non-transferable as it might be needed to sell a facility.
- Debra Bryars questioned if the facility would correct any non-compliance if they were being sold with a waiver. It does not provide a reason to correct. Mike Bibb pointed out some facility’s “wash” their hands of compliance once it will be sold. However, Erin Conley thought compliance was part of the sale.

Section 300.1233 – Quarterly Administrative Staffing Compliance Review

- Donna Ginther had questions on a specific due date for the Department to notify facilities of the noncompliance. Donna thought it was at least 60 days for the information from PBJ to become public. However, she could not confirm a specific source. Debra Bryars questioned the issues surrounding facilities submitting the census data in conjunction with the PBJ data.
- The Department is developing a website with an auto reply for facilities to submit census data similar to the PBJ. Matt Hartman was concerned about due process and if the information was not received by the Department. An auto reply should address the issue.

Section 300.1234 – Monetary Penalties for Facilities not in compliance

- Donna Ginther is concerned about the timelines and penalties associated with staffing. Erin Conley stressed the timeline to file is mandated in the bill. However, the providers and general public will have a chance to make comments at First Notice.

- Matt Hartman had questions regarding the calculation of penalties including the wages and benefits. Each facility has different wages and benefits. How would the Department determine the specific figures? Matt Werner suggested the use of the Federal legally required benefits which included both state and federal unemployment, Social Security, Medicare and workman's compensation.
- Discussion on the waiving of penalties, the 10% standard deviation and the 6 "excused" staffing ratio per quarter. Matt Hartman needs some clarification on how the 6 times will be calculated.
- Concerns about the "high risk designation" for facilities failing to submit data as it isn't the same as substandard quality of care.

Section 300.1235 – Quarterly Staffing Penalties Notice of Violations

- Discussion around the topic of quarterly review with a penalty or a violation. There were no solutions offered to the Department.
- Debra Bryars stated if it's not a violation then what is it? The statute still uses the term violation in several different topics. Donna Ginther stated it's not a licensure violation just a fine.

Additional "General Comments"

- Matt Hartman would like to "revisit" the definitions of skilled and intermediate care. He submitted additional information to the Board on 11/12/19 so it was not reviewed in the meeting. HCCI has additional concerns regarding the bases for penalties and licensure violations.
- Matt Werner developed a crosswalk for PBJ and would like to see it restored in Appendix B.
- Donna Ginther noted she will send additional comments to the Board members.
- Board Members suggested that the department adopt a fillable form for consent for Psychotropic Medication Administration.

The Department will take under advisement all Board suggestions.

Mike Bibo left the meeting at 11 AM.

Karen Christensen left the meeting at 12 PM.

IV. NEXT MEETING

- Next regular Board Meeting is November 21,2019 at 10:00 am
- The department agreed to provide the final draft of the Informed Consent and Staffing Rules to the Board Members no later than Monday 11/18/19.

- Meeting was adjourned at 12:05 p.m.