



MEETING MINUTES
Illinois Department of Public Health
Office of Health Care Regulation
Ambulatory Surgical Treatment Centers Licensing Board Agenda
December 11, 2019 • 10:00am - 12:00pm
122 Michigan, Room 711, Chicago
525 West Jefferson St, 4th floor, Springfield
245 W. Roosevelt, Bldg. 5, West Chicago

1. Call to Order

Members Present: Dr. Raymond Dieter, Dr. Steven Gunderson, Judy Fabrizius, Dr. John Grady, Deborah L Crook, Dr. Gregory Doerfler, Dr. Charles Drueck and Dr. Gary Silverman

Members Absent: Theresa Cummings, Robert H. Lubben, and Dr. Upendranath Nimmagada

Department Staff: Karen Senger, Elaine Huddleston, Sean Dailey, Sara Wilcockson, Annette Hodge, and IDPH Staff Attorney, Junaid Afeef

Guests: Mark Mayo

2. Introduction

Chair, Dr. Raymond Dieter called the meeting to order at 10:00 am. Board members, guests and Department staff were asked to introduce themselves. A quorum was not established at this time and the Board was informed that the meeting would be informational only to give members time to arrive. A review of unofficial Agenda items was reviewed and discussed and not in order of the Meeting Agenda as set.

3. Approval of June 12, 2019 minutes

At the time of Introduction, a quorum was not established to be able to vote on the June meeting minutes. A quorum was eventually established later during the meeting at about 10:36 am with late arrival of several Board Members (Charles Drueck, John Grady) where a complete review and discussion of the meeting minutes was conducted.

Dr. Dieter asked if anyone had any comments or questions with the meeting minutes. No comments were made and a page by page review of the June 12, 2019 meeting minutes were reviewed and discussed as follows:

Page 1, no comments made;

Page 2, no comments made;

Page 3, no comments made;

Page 4, some comments were shared;

- i. 6th Paragraph, 1st sentence; A suggestion was made to add the name of Mark Mayo to the 1st sentence of the 6th paragraph and to spell out the initials PSRC.
- ii. Dr. Dieter asked Karen Senger if Children's Memorial Hospital was ever contacted as discussed in the minutes. Karen Senger responded, no she had not reached out to this facility (Children's Memorial Hospital). Dr. Dieter commented he will reach out to Children's Memorial Hospital to discuss this request further.

Page 5,

- iii. 1st paragraph, 2nd sentence - grammatical changes were suggested to the sentence structure;
- iv. Letter d) – Last sentence - grammatical changes were suggested to this sentence

Page 6,

- v. Item #5 a) - Surgical Attire – grammatical wording of sentence structure;
- vi. Item b) - Update HFSRB – suggested to spell out the initials HFSRB
- vii. Board Member Dr. Steven Gunderson asked if the Department has heard anything on this new requirement. Karen Senger responded no, she had not heard anything on this requirement.

Pages 7 - 11,

minor grammatical changes were suggested or made to these pages, and

Page 12, no suggestions or comments were made to this page.

No other questions or comments were made after review of the meeting minutes. A motion was made at that time to approve the minutes, 2nd and unanimously approved as discussed and presented.

4. Old Business

a. Statute change 210 ILCS 5-6 30 b (public Act 101-0323)

Karen Senger addressed this section on the statute changes for 210 ILCS 5-6 30 (Public Act 101-0323). Board members were given a hand out for informational purposes. Ms. Senger read the amended section on Dentists performing surgical procedures as an ASC that requires sedation must have admitting privileges at a nearby hospital in case a patient would need emergency care or requires sedation beyond the training that the dentist possesses, or have a memorandum of understanding with a physician who has admitting privileges at such ASC or Hospital facility.

Dr. Dieter asked if anyone had any questions or comments to this proposed statute change. Karen Senger commented that this Statute change became law effective August 9, 2019 and was added to the agenda for discussion. The Board conducted a brief discussion on this topic about this section that physicians have privileges to perform surgical procedures at a Hospital facility. Another concern was brought up about the transfer agreement that covers a physician and therefore, no need to have staffing privileges at the facility. The language would be like Centers for Medicare & Medicaid Services (CMS).

Dr. Dieter suggested to table this topic and requested to add as an agenda item along with a copy of CMS language for further discussion at a later meeting to reconsider under other specialties for an ASC facility.

No other questions or comments were made after review of this agenda item.

Simple Sterile Compounding

Dr. Steven Gunderson updated the Board on this topic and that due to some pending litigations going on with the appeal of USP - 797 regulations not being able to move forward on the public rules until all is resolved. A panel of members also needs to be appointed. A USP final documentation is still on hold and will need to table for further discussion.

Dr. Dieter suggested to table this topic and to add as an agenda item for further discussion at the next (June) Meeting.

No other comments were made to this agenda item.

Approval 205.610 Clinical Records

Karen Senger presented this topic to the Board for discussion. The Board was given a copy of the proposed Amendment to Section 205.610 on Clinical Records and Reports for approval. The Board was reminded that these changes were as discussed at the last meeting. The changes requested was sent to the Governor's office for review, then to legal and to then back to the Board for 1st comment.

The Board conducted a brief discussion of the following sections;

Page 6, Changes noted;

Letter I & J - Board members conducted a brief discussion over the verbiage of these two sections;

Letter J - add verbiage "or remove from patient";

Letter G - Complications; verbiage covers everything; change verbiage to "unanticipated event";

Karen Senger commented that the recommended verbiage is covered under letter 9, last sentence. Dr. Dieter commented after further discussion by the Board, they decided no changes were necessary.

Page 7 – Letter c) – Record Retention Change; changes noted;

Letter c) item #1 – Discussion over the verbiage of this paragraph was conducted on language clarity of the number of years and age of the patient and how long the record should be kept after the date of service. The Board recommended that the verbiage should be changed to cover a patient/individual that is 18 years old or older and that the record should be kept until the age of 23 years old and not less than 10 years after the date of service or until 23 years old if patient is a minor. A suggestion was also made if the patient was a minor on the date the record was produced to add "whichever is longer".

Letter c) item #2 – Discussion of the verbiage of the last sentence of this item on clarity of age of the patient and number of years to keep the patient's records. The Board recommended to change the verbiage of this sentence to read the same as the last sentence under letter c) item #1.

Board members had no other questions or comments to this Agenda item. A motion was made to approve the changes to the proposed rules as amended, 2nd and unanimously approved with all in favor.

b. **Approval 205.110,205.230 and 205.320, 205.710- 23 Hour**

Karen Senger presented this agenda item to the Board on approval of the above-mentioned Sections of the proposed rules. Board members were given a handout of the recommended proposed language to the Administration Code for the following sections:

Section 205.110 – Definitions – section was added to mirror the statutory language (italicized) per Section 3(A)(6) of the reproductive Act. Pregnancy Termination Centers that are no longer regulated by the Department,

Section 205.230 – Standards of Professional Work - Letter (a) (7) Italicized statutory language was added on Dentist privilege at an ASTC per Section 6 (3)(b) of the Act. Karen Senger commented that this language is taken straight out of the Act and cannot change the verbiage.

Section 205.320 – Presence of Qualified Physician – 23 Hours - Karen Senger read the recommended proposed language changes to this section that was discussed at the last meeting. A few grammatical changes were requested to clean up some of the language;

Letter (a) item#2 to add “administration of whole blood” to language;

Letter (b) - third line of this section;

1. add “shall” to sentence structure, and
2. Remove verbiage “licensed registered nurse” to add JCAR verbiage to read “registered professional nurse” throughout the rules.

A question was asked about Letter (a), item #3 on keeping a patient less than 3 years or older. Karen Senger commented if anyone has any concerns to the proposed language that will be going for 1st comment and can address at that time for public comment. Proposed rules will be posted in the IL State Register when opened for public comment. It is optional for a facility to keep a physician on for a patient less than 3 years old.

Section 205.710 – Pregnancy Termination Specialty Centers (Repealed) – Karen Senger commented that this section was removed (stricken) from the Administrative Rules due to the State Law ruling on the Department no longer regulates or license Pregnancy Termination Centers (PTC).

A brief discussion was conducted over this proposal where comments and concerns were shared. Dr. Dieter asked how many ASTCs are licensed as PTCs. Karen Senger commented there are 5 ASTCs that are licensed only as PTCs. The remaining licensed ASTCs may still perform abortions and are licensed as full ASTCs.

No other comments or questions were made by the Board. A motion was made to approve the proposed rules, 2nd and unanimously approved with changes made as discussed and presented. Motion was unanimously accepted.

Sara Wilcockson, Agency Rules Coordinator, commented will make changes today and send to JCAR prior to final review. Changes should be published in the IL State Register in January 2020.

c. **Frozen Section CLIA**

Dr. Raymond Dieter commented he did not have enough information to present to the Board on this topic and would like to table for further discussion until another meeting. Dr. Dieter requested to keep as an agenda item for later discussion.

5. **New Businesses**

a. **Update HFSRB**

Karen Senger presented an update on the IL Health Facilities and Services Review Board (HFSRB) for informational purposes. A few changes were discussed on the current legislation on an application being made for a permit to add or an exemption of category services to be made to the State Board. Ann Guild was not able to make it to the meeting to update the Board on the recent changes.

Mark Mayo commented that the Association has 25-30 members and there are approximately 145 licensed Surgery Centers. His question was would the state notify the rest of the other facilities of this legislation. Karen Senger commented that the Association should reach out orally to the remaining facilities on the new changes.

Dr. Dieter commented on why the Health Facilities and Services Review Board (HFSRB) does not reach out orally or send out an email message on the Certificate of Need (CON) proposed regulations. Dr. Dieter asked would this Board be able to attend these meeting? Karen Senger commented yes, and these meetings are available to the public.

Karen Senger commented that some of the Surgery Centers are not part of the local organization or association and it is the facilities responsibility to stay on top of updates or changes.

Another change is the CON Board can elect a vice chairman to preside over the State Board meeting to act in place of the chairman whenever unavailable.

No other comments or questions were made by the Board on this agenda item.

b. **New Attorney**

Karen Senger introduced and welcomed the Department's newest member to Legal Counsel, IDPH Attorney, Junaid Afeef who replaced former IDPH Attorney Andrew Schwartz. IDPH Attorney, Junaid Afeef gave a brief introduction about himself.

6. **ASTC Data and Survey Statistics**

Karen Senger presented and reviewed the current ASTC survey data and current number of ASC facilities as of 11/31/2019 for informational purposes. The Board was given two separate handouts with detailed ASTC Summary data for Calendar year 1/1/2019 to 10/31/2019 and ASTC Survey Statistics. The Medicare survey workload for FY 2019 data collected was for 25% of surveys to be done in FY 2019 with a total of 24 surveys for Federal FY 2018 work load from last year (October 2018 to Sept 2019), which included a breakdown of Medicare survey findings that were identified.

In addition, the second report gave an overall highlight of the top ten (10) repeated standard level deficiencies that were cited during the Department surveys over the past several Calendar years (2015, 2016, 2017, 2018 and 2019). The report also included a list of CMS Standards for frequently highlighted regulation tags that were cited. The report included some of the new COP Emergency Preparedness findings cited for the period of 2018 and 2019 for review.

Karen Senger commented she hoped this new table format would be more helpful for the Board to review the data presented and make it easier to read. This format would also capture more information for the Board on the listing of deficiencies that have been cited over a period. The Board agreed that the format of this report gave a larger picture and interpretation of department findings.

Board members shared some concerns with some of the information listed and if the tags listed would fall under the same facility or the standard tags captured is over a 3-year period and not fall under the same facility. Karen Senger commented that the data captured reflects the top ten tags over a 3-year period and does not cover just one facility. Dr. Dieter asked if the deficiencies cited were shared with the facility. Karen Senger responded that all deficiencies are shared with the facility, and the facility is required to respond with a plan of correction (POC) on how they plan to correct the deficiencies cited.

Dr. Dieter commented that there was fewer numbers of tags noted under the column for 2019 compared to the previous years. Mark Mayo commented that the industry is more matured and seasonal and that this is a sample of the 24 surveys conducted by the Department with the others conducted by the Accrediting Organization (AO).

No other comments or questions were made by the Board.

a. **Number of Hospital Owned**

Dr. Dieter questioned how many ASTCs are Hospital owned. Karen Senger updated the Board that there were 10 Hospital Owned Ambulatory Surgical Treatment Centers (ASTCs).

7. **Board Membership Business**

a. **Board Membership Updates**

Dr. Dieter presented this information on the status of membership(s) and vacancies on this Board:

1. Membership vacancies – one (1) vacancy
 - a. One (1) General Public Representative vacated by Donald Buhle – effective 12/2018; nominee none.
2. Reappointments – five (5) members are up for reappointment; pending the Governor's approval.

Karen Senger reminded the Board that the Department is still working with the new Governor's office staff on the status of approval for the remaining re-appointments of Board Memberships. The Department will keep in touch with the Board of any new updates on appointments.

This Board has 12 member positions and needs 7 members physically present in order to meet a quorum to conduct a meeting under the Open Meetings Act (OMA).

b. **New Member Recommendation**

Dr. Dieter reminded the Board there still is a vacant position that was vacated by former member Donald Buhle and asked if anyone had a recommendation for this position for general public. No one mentioned any names of a potential nominee for this position. Board members were reminded to contact the Department with any possible names and contact information of nominees for the vacant position so the Department can reach out to them.

c. **Mandatory Training - 2019**

Dr. Dieter questioned on the status of Board members completing the mandatory training for this year. Karen Senger commented that she thought all Board members had completed the required training and turned this question over to IDPH Staff, Elaine Huddleston on the status. IDPH Staff, Elaine Huddleston commented that not all members from this Board had submitted proof of completing the training. All verifications received have been submitted to our Legal Department and they will contact any members that have not completed this required training.

No other comments were made on this Agenda item over Board Membership Business.

8. Travel Mileage Reimbursement

Board Members were provided a blank travel voucher-mileage expense form (2019). Members were reminded to complete the current mileage reimbursement form as the mileage rate has changed to \$0.58 cents per mile effective January 1, 2019. Board Members were instructed to submit their completed travel expense forms to IDPH staff, Elaine Huddleston for processing and to contact her with any further questions or concerns with their travel expense forms.

Dr. Dieter inquired about the status of mileage reimbursement for members. Karen Senger commented she was not aware of any delays on the mileage reimbursement for members.

No other comments were made on this Agenda item.

9. Other Comments

Dr. Dieter opened the meeting up for additional comments.

A comment was made about the Board meeting a quorum to hold a meeting. The Board shared some concerns that it seems like there has been a problem with this Board meeting a quorum to hold a meeting. A question was asked if we could go back two years to check the status of the members attendance and bring data back to the Chair for review.

No other comments were made on this Agenda item.

10. Meeting Dates 2020

Board members were given a copy of the scheduled meeting dates for 2020 that have already been established for informational purposes. Dr. Dieter reviewed the proposed meeting dates and locations with the Board. Karen Senger reminded the Board that meetings must be held at a State Public Buildings with access through video conferencing and that the Bellwood Location is not always available for a meeting location. The Board agreed the West Chicago Location is more of an acceptable meeting location and that the Rockford location was further away and not recommended. Board member were reminded to mark their calendars and make note of the meeting dates, times and locations as not all meetings will have the Bellwood location available.

No other comments were made on this agenda item.

11. Next meeting dates:

- a. March 11, 2020 • 10:00 am – 12:00 pm (122 S. Michigan Avenue, 7th Floor, Room 711 in Chicago; 525 W. Jefferson Street, 4th Floor in Springfield; 245 W. Roosevelt, Bldg. 5, West Chicago. **BELLWOOD LOCTION - PENDING**
- b. June 10, 2020 • 10:00 am – 12:00 pm (122 S. Michigan Avenue, 7th Floor, Room 711 in Chicago; 525 W. Jefferson Street, 4th Floor in Springfield, and 245 W. Roosevelt, Bldg. 5, West Chicago **BELLWOOD LOCTION - PENDING.**

Meeting Adjourned 11:56 am