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**APPROVED MEETING MINUTES**

**Home Health, Home Services and Home Nursing Advisory Board Meeting**

**October 9, 2019 - 10:30 a.m. – 12:30 p.m.**

**Video conference locations:**

**525 W. Jefferson, 4<sup>th</sup> Floor, Springfield**

**122 S. Michigan Ave, 7<sup>th</sup> Floor, Room 711, Chicago**

**#22 Kettle Drive, Edwardsville**

**2309 W. Main St., Marion**

**Bellwood Location is Not Available**

**Call to Order**

**Members Present:** Chair, Teresa Garcia-Fitzgerald, Linnea Windel, Aishling Dalton-Kelly, Jeffrey Workman, Tina Moore, Rowena Oliva, Gary DiVito and Shawna O’Dell.

**Members Absent:** Sheila McMackin, Jack Kreger and Cathleen Carlson

**Department Staff:** Siji Varghese, Beena Varghese, Karen Senger, Elaine Huddleston, Jack Fleeharty, Melinda Snyder, Junaid Afeef, IDPH Staff Attorney and Kendra Fabish.

**Guests:** Liz Vogt, Michael Kernan, Angie Lesser, Jason Speaks and Sara Ratcliffe.

**Introduction of Committee Members and Guests**

Teresa Garcia-Fitzgerald, chair called the meeting to order at 10:33 am with an introduction of Board members and guests. A quorum was not established at this time with Board member Tina Moore called stating she was running late and technical difficulties with connecting with additional meeting locations. Another call to meeting order was conducting later at 10:52 am and a quorum was established at this time.

**Approval of Draft Minutes for April 10, 2019 Board Meeting (VOTE) {Exhibit 1}**

The Draft minutes of the April 10, 2019 meeting was presented to the Board for their review and comments. A motion was made to approve the minutes by Rowena Oliva, 2<sup>nd</sup> by Aishling Dalton-Kelly and unanimously approved as presented.

**OLD BUSINESS**

**Regulations Updates:**

Karen Senger presented the following information on Regulations update to the Board:

- 1) **Alzheimer’s Disease and Related Dementias Services Code** - Board members were given a copy of a memo dated August 15, 2019 that addresses the adoption of the

new statutory requirements of the Alzheimer's Disease and Related Dementia Services Code (77 Ill. Adm. Code 973) that was effective May 23, 2019 and was published in the *Illinois Register* on June 7, 2019 for informational purposes. Karen Senger commented that a copy of this memo along with a copy of the Alzheimer's Regulation was sent the middle of August to licensed Agencies. **{Exhibit 2}**

- 2) **Home Health, Home Services and Home Nursing Code 245** - Board members were given a copy of the newly adopted Amendments to the Home Health, Home Services, and Home Nursing Agency Code (77 Ill. Adm. Code 245) became effective on August 12, 2019. A copy of this document was not mailed out as it was too large of a packet to mail out. A copy can be found online under the Governor's website under new rules. **{Exhibit 3}**
- 3) **Nurse Practice Act (Public Act 100-1160)** – Board members were given an update on still waiting on draft copy of proposal of the rules from Department of Professional and Financial Regulations (DPFR). The section of these rules is related to nurses delegating of medication. The Board was reminded that since the proposal of these rules are still being drafted, the Department cannot act on our end to change our rules. There has been no definite timeline given on the status of the Nurse Practice Act.

No further comments were made to this report.

#### **Sub Committee Development for review of Home Nursing {Exhibit 4}**

Karen Senger presented this update to the Board on the Sub Committee project to address the review of the basic definition, redefine or change the definition of Home Nursing. A handout was given to the Board that included copies of the Administrative Rules, Section 245.30 – Home Nursing Agencies, the definition of Home Nursing Agency from the Act (210 ILCS 55/2.11) Sec. 2. ll, and the Sub Committee's task Objectives for the Board to review. The Sub Committee has attempted to meet but did was unable to as they did not meet a quorum of required Board members to hold a meeting.

Chair, Teresa Fitzgerald suggested to dissolve the Sub Committee Task Force Work Group for the time being as have been unable to reach a consistence or full commitment as a Work Group or Task Force. Karen Senger made a comment to table these ideas and suggested to re-address later to discuss other topics about CNA training changes, and to continue discussion between Home Nursing vs Home Health Service. After further review of some of these changes can then address with the Board to review and to look at expanding or regrouping the Sub Committee Task Force Work Group.

Chair, Teresa Fitzgerald asked all Board members to look at the hand out and documents presented and bring back at the next meeting for discussion. Karen Senger commented the document was put together with some changes that help make things clearer and define a stronger role between these services and what is in our rules and current laws that govern between Home Services and Home Nursing. Karen Senger suggested to look at the language and definition and reconvene in January for further discussion of the document.

No further comments were made to this report.

#### **NEW BUSINESS**

### **Home Health Agency Initial Application Report {Exhibit 5}**

Karen Senger presented this information to the Board that covered the status of Home Health Agency Initial applications for the period of 2018 and 2019, and the number of HHA licensed only and licensed/certified by each quarter as of December 2018. There has been a decrease in the number of Initial applications over the year with a decrease in number of Change of Ownership (CHOW) applications from 2010 to 2018 for the Board to review.

There has been an increase in Home Health Agency Initial application for 2018 due mostly because of the Moratoria that was lifted with 6 Initial License Agency Application. There has been a decrease in Agency CHOW applications due to the Moratoria that has been lifted with 33 CHOW applications for the entire year. There has been a decrease in the Home Health Agency industry due to closures, Licensure only, and financial struggle due to not being able to maintain licensure due to lack of business or clients.

The Board was also given a spread sheet for 2019 that noted the total number of closed facilities to be 60 facilities as of 12/31/2018, and as of 9/26/2019 there was 39 HHA facilities that closed. This report also showed a decrease in the total number of HHA licensed only and licensed/certified at the end of September 30th to reflect 617 licensed facilities.

Karen Senger asked if there were any further questions to this report. A question was asked if there were any problems with the application that would cause delays in the licensure process. Karen Senger commented that a lot of the delays and hang ups with the application was the agency did not have qualified staff such as Agency Administrator or Agency Supervisor not meeting Medicare requirements.

No further questions or comments were made to this report.

### **Home Services, Home Nursing, Home Services Placement and Home Nursing Placement Applications Received and Licensed Report {Exhibit 6}**

Jack Fleeharty presented this information to the Board that covered the status of Home Services/Home Nursing/Home Service Placement/Home Nursing Placement (HS/HN/HSP/HNP) Initial Licensing applications by each quarter ranging from the 2017 through September 30, 2019 for Board review. The breakdown of this data report showed an increase in the number of Initial Licensed Agencies with the 3<sup>rd</sup> quarter showing and exceeded total number of Licensed Agency Applications.

The Board questioned the data listed for the number of withdrawals of initial licensing applications during this period. Jack Fleeharty commented that the Department tries to review initial applications within a required period from receipt of Initial application. Another reason would be the initial application has not been filled out completely, missing basic information and supporting documents such as incomplete contracts or incorrect licensure application applied for. The applicant has an opportunity to correct these deficiencies within a 12-month period. Closure of the initial application is requested due to non-completion of the application process within the 12-month period. In addition, there is an increase in the number of licensed agencies up North, which causes a problem recruiting adequate clientele. Jack Fleeharty further explained the licensing application process in reporting of clients to be able to meet the requirement to stay licensed. Whenever the Agency no longer meets this requirement, the Agencies are then forced to shut down due to lack of establishing the required clients needed to meet the requirement to stay

open. An application is then sent to our Legal Department for review for closure and denial of renewal of license due to 24 months of no clients.

No further comments or questions were made by the Board.

### **Home Health, Home Services, Home Nursing Statistics {Exhibit 7}**

Karen Senger presented this information to the Board that covered the Statistics for Home Health Licensed Agencies for the period of March – August 2019 and for Home Services and Home Nursing Placement Agencies for the period of January – September 2019 and number of facilities licensed. She is trying to put together this statistical report general every six months to present to the Board for informational purposes. This statistical report identifies the number of various surveys conducted such as complaints received, complaint investigation conducted, recertification surveys, Initial Licensure, Licensure Surveys Licensure survey 1 year after a CHOW and number of agencies fined for fine violations.

An additional handout was provided that noted some frequent Standard level deficiencies (SLD) cited and Condition of Participation (COP) that was cited. This report gave an overall breakdown of the top ten (10) repeated SLDs and COPs that were cited over the past period of January - August 2018, September 2018-February 2019 and March 2019-August 2019 that was cited. There was several COPs out of compliance for the Emergency Preparedness (EP) tag that was cited.

Karen Senger commented that there is a variety of deficiencies and this report lists a broad spectrum of deficiencies and not just one deficiency being cited.

No other questions or comments were made to this topic.

### **OASIS Training Updates**

Siji Varghese commented on this section regarding the next 2019 OASIS Training. The last OASIS Training for 2019 is tentatively scheduled for October 20th.

The training information and announcement will be posted on the IDPH Calendar of Events and the IDPH-HHA Website with more details. Siji Varghese reminded the Board that space is limited for these trainings and registration is required.

Siji Varghese gave a brief update on some new OASIS changes that will be forth coming. The Board was informed of an IDPH OASIS Quarterly newsletter that will be forth coming that would include information such as CMS Updates on OASIS-E Guidance, OASIS Education and Training and OASIS Question & Answer.

No other questions or comments were made to this report.

### **Board Membership Updates**

The Board was presented information on the status of membership(s) and vacancies on the Board.

1. Membership vacancies – four (4) vacancies:
  - a. One (1) General Public/Consumer/Family Member Home Service vacated by Michele Running (Term expired 1/6/2018); nominee none
  - b. One (1) RN w/Home Health Experience vacated by Pamela Duffy (Term Expired 8/6/2021) who resigned effective 7/8/2019; nominee none

- c. One (1) Home Service Representative vacated by Michael Melinger (Term Expired 8/3/2019) who resigned effective 7/17/2019; pending Director approval of nominee.
  - d. One (1) Practicing Licensed Physician waived appointment Ahmed Morsy, MD (Term Expires 3/1/2020) due not meeting position requirement as a Licensed practicing Physician; pending Director approval of nominee.
  - e.
2. New Memberships introduced – no newly appointed memberships listed.
3. Reappointments for 2019 – Three (3) nominees for reappointments;
- a. Two (2) Terms that are up for reappointment are currently with Governmental Affairs pending Director approval for Teresa Fitzgerald and Tina Moore,
  - b. One (1) Term for Home Services Representative Sheila McMackin expired 8/3/19 and will not be reappointed due to length of time served on this Board; nominee none.

Chair Teresa Fitzgerald commented on the status of the Board membership and the number of vacancies which will affect the status of meeting a quorum in order to hold future meetings. Karen Senger asked Board members to submit any recommendations to the Department for nominations to help with reaching a full Board membership to meet a quorum in order to conduct meetings.

### **Board Members Training**

Chair, Teresa Fitzgerald 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 all verifications received so far have been submitted to our Legal Department and will contact any members that have not completed this required training as of October 31, 2019.

### **Travel Vouchers**

Board Members were provided a blank travel voucher-mileage expense form (effective: 01/2019). Board members were reminded to complete the current mileage reimbursement form as the mileage rate has changed to \$0.58 cents per miles effective January 2019. Board Members were instructed to submit their completed travel expense forms to IDPH, staff employee Elaine Huddleston for processing. In addition, for new members completing a travel expense form for the first time will need to complete a W-9 form per request from the Comptroller's Office to enter their information in the data system.

### **Other Comments**

Karen Senger shared that going forth, the last Agenda item for discussion will now be to open the meeting up for Public and Members for additional comments.

Karen Senger commented will now open the meeting up for further comments or questions by public or others for discussion.

A Board member asked what fines is charged for criminal background checks. Karen Senger responded that a flat rate fee of \$1,000 is charged per entity as a fine for non-checking of finger print background checks of Health Care Worker's (HCWR's) per 77 IL Adm Code, Part 955 Adm Code Health Care Worker Background Check Code.

Jack Fleeharty commented the Department does not fine unlicensed Agencies, but does instead, follow-up with these Agencies and request an Application be submitted for licensure. The Department sends out an unlicensed Agency letter and follows-up with a Survey. If the Agency is not license or operational, the Department leaves a copy of the letter with the agency.

Karen Senger also commented there is no fine noted in the rules for unlicensed Agencies. The Hospital gives out the facility information to refer clients/patients for follow-up care. The Hospital does not receive updated notifications when changes occur such as address changes or Agency Closures on a routine basis. Jack Fleeharty further commented there are multiple reasons for an Agency closure.

Department staff, Siji Varghese's commented on the turnaround time that facilities do not have access to the web portal on a weekly basis. Karen Senger commented the time frame has improved lately for entities/agencies not having access to the Web Portal on a routine basis annually to verify Background Checks on employees to make sure they are still in the system and for new employees.

Liz Vogt recommended the Department put together Education Material covering the Web Portal Website as a training material. In addition, would the Department be able to put informational material together to put in a newsletter to share with providers. Karen Senger commented that the facility first requests permission for access as a new applicant in Illinois. The Department then sends or shares information about the Web Portal only with new applications.

The Board further discussed about allowing annual verification of employees and new employees after initial documents are complete and putting in a reminder. Karen Senger commented that after 90 days, the password needs to be reset. If a facility/agency does not visit the site within the allotted timeframe then the password expires, and they are denied access. Karen Senger commented she will follow-up on this with HCWR registry and bring back for further discussion.

Jack Fleeharty shared some concerns about the Board meeting a quorum in order to hold a meeting. The 2020 Advisory Committee meeting schedule lists four meetings scheduled a year. The Department has cancelled at least two of these meetings due to not meeting a quorum. This needs to be a priority for Board Members as if there is no meeting then important agenda items or topics do not get discussed or addressed.

Karen Senger asked if there were any other comments or questions.

No other comments were made on this Agenda item.

### **Board meeting Schedule**

### **2019 HHA Board Meeting Schedule**

Members were given a copy of the meeting schedule for 2019. There is at least five (5) meeting locations for members to choose from to attend these meetings. Members were asked to mark their calendars accordingly and plan to attend.

### **2020 Future Board Meeting Schedule**

Members were given a copy of the tentative meeting schedule for 2020 for Board Review. The Department is currently working on scheduling these dates, times, and meeting locations for next year (2020). There is at least five (5) meeting locations for members to choose from to attend these meeting. Members were asked to mark their calendars accordingly and plan to attend.

#### **Next meeting dates:**

- c. January 8, 2020 • 10:30 am (122 S. Michigan Avenue, 7<sup>th</sup> Floor, Room 711 in Chicago, 525 W. Jefferson Street, 4<sup>th</sup> Floor in Springfield, #22 Kettle River Drive, Edwardsville, 2309 W. Main Street in Marion and 4212 St. Charles Road, Bellwood). The Bellwood location is pending available for this meeting.
- d. April 8, 2020 • 10:30 a.m. (122 S. Michigan Avenue, 7<sup>th</sup> Floor, Room 711 in Chicago, 525 W. Jefferson Street, 4<sup>th</sup> Floor in Springfield, #22 Kettle River Drive, Edwardsville, and 2309 W. Main Street in Marion and 4212 St. Charles Road, Bellwood). The Bellwood location is pending available for this meeting.

**Meeting adjourned at 11:54 a.m.**