

Illinois Department of Public Health
Office of Health Care Regulation

**Long-Term Care Facility Advisory Board Meeting
May 19, 2016 • 10 a.m.**

Approved Minutes

Call to Order and Introductions

Darlene Harney, Chair, called to order meeting at 10 a.m.

Members present: Mike Bibo, Dr. Albert Maurer, Donna Ginther, Jon Siegel (proxy for Donna Ginther), Jamie Freschi (Teleconference), Dr. Alma Labunski, Robert Roiland and Pamela Blatter (Teleconference)

Members absent: Kelly Cunningham, Kevin Switzer, George Bengel

IDPH representatives and Guests: Sean Dailey, Darlene Harney, Connie Jensen, George Logan, Elaine Huddleston, Mary Button, and Bill Bell

Approval of February 10, 2016 meeting minutes

Darlene Harney motioned to approve minutes, Mike Bibo seconded. February 10, 2016 minutes were approved unanimously.

Membership Update

1. Membership vacancies – Four (4) Voting Vacancies:
 - a. Two (2) Public
 - b. One (1) Resident Advisory Council
 - c. One (1) Advocacy or Legal Assistance

Darlene Harney covered this section on Membership update of six membership positions filled with four voting vacancies yet to be filled. The Department received notification that Kathy Swanson, Advocacy or Legal Assistance member is retiring and will no longer serve on the Board. The Board needs six voting members in order to make a quorum. The Department will meet even if we do not have a quorum, but will not be able to vote on any legal matters. Board members were instructed that if they are unable to attend the meetings to try and obtain a proxy to serve in their absence, and to please email this information to Elaine Huddleston.

2. New members
Dr. Albert S. Maurer, Physician from IL State Medical Society, newly appointed member to join the Board gave a short introduction.

Old Business

1. Status of LTC Facility Incident Report Form status - Connie Jensen shared with the Board updated information that had been added to this form. Access to this form will be on the IDPH Website as a filable PDF form. Some minor changes were discussed and noted by Board members. Comments and concerns raised by members will be taken under advisement and added to this form. After a final review has been made, the Department will be working with IT to be able to allow the form to be sent through email once completed.
2. Complaint Data Review status –the status of additional data requested was to be included on the Complaint Data Report form previously discussed at the last meeting. Other suggestions discussed were to break down Anonymous & Non-Anonymous complaints by two different regions, and to change wording of non-anonymous complaints to be filed by others to read as third party self- reported incidents. The Board thought this was a helpful form and informational for the Board and industry. The Department agreed and is currently working on gathering data and finalizing the numbers for 2016.
3. Authorized Electronic Monitoring - Comments and concerns were raised by Board members in regards to residents that would like electronic monitoring devices installed and maintained. Questions and concerns were raised about who would be responsible for installing, maintaining, and turning on and off of this equipment. The Board members shared concerns that this responsibility would fall back on the Nursing Home for installation and maintenance of the equipment. The Board was instructed to send any additional comments/concerns to Darlene Harney and they would be reviewed.
4. Use of medical marijuana in health care facilities - The law was not written for the nursing home residents on the use of medical marijuana and for administration from care givers. Care givers, under the law care for one

patient/person ratio. Federal dollars are being received to assist patients in the use of medical marijuana. Some patient's will need to rely on other staff to assist or help administer medical marijuana. The State addresses the issue of staff being under the influence of marijuana. The Department does not have any additional information for the Board in regards to proposed regulations/rules/guidelines for the use of medical marijuana in health care facilities. The Department is checking with Region 5 and other states in regards to Federal regulation on this matter. The Department will check with CMS for their guidelines on this matter. The Board questioned if the Department has any plans or discussion about developing a policy or legislation to support this matter. Comments and concerns will be taken under advisement by the Department.

5. Subpart S status – Sean Daily was working on this update and will bring back to the Board.
6. SMHRF status- New Regulations were adopted over a year and half ago. New applications have been received and reviewed. The Department has issued provisional licenses to these facilities until a more formal review has been completed. The review process was explained and that it would take 30-90 days for a complete review process and issuance of new license. There are 22 out of 24 licensed SMHRF's that have submitted the new application for review. The Law is clear under the SMHRFT Act that is currently in effect these facilities cannot remain licensed as Nursing Homes.
7. Distressed Facility Regulations - Sean Dailey commented that these regulations are with legal at this time.
8. Informed Consent status –Sean Dailey working of this review and will bring back more information to the Board for discussion.
9. Behavioral Unit Regulations status – The section is still in the works and the Department is currently working with DHS on developing regulations or statues. The Department will table for further discussion.

V. New Business

1. Identified Offender (210 ILCS 45/1-114.01) – This section covers the Statue/Rule language in regards to identifying offenders who have been convicted of a Felony of one of the identified crimes, or has committed a Sex Offense.
 - a. The ISP overreaches in its duties by wanting all residents who have committed a crime to be reported to them. The language reads that all residents admitted with any criminal background to be reported. State Police is aware of any crime committed thru information reported to State Police from back ground checks conducted on residents. Facility needs to follow up on health care worker background checks to read the complete list of crimes. Section 12 of the Nursing Home Act covers the requirements of identified crimes or committed sex offenders. Comments and concerns were raised by the members in regards to back ground checks against residents with a 24-72 hour stay, and the safety and care for these residents and other residents The Department does not want to get involved with facility dispute with State Police.
 - b. Committed Sex Offense – Subsection 2 of the Act was discussed with the Board in response when a resident has committed a Sex Offense and is no longer listed on any sex Offense registry. Comments and concerns were raised on the status of sex offense committed prior to the statue and that State Police does not see as an issue. The facility will need to further research on any sex offense under the Act.

VI. Meetings

- 1) Next meeting is June 29, 2016 at 10 a.m.
- 2) Agenda items to Darlene Harney by May 30, 2016.
- 3) Confirm attendance (or designate proxy) via email to Elaine Huddleston by June 17, 2016, elaine.huddleston@illinois.gov.

Meeting adjourned