

State of Illinois

Health Facilities and Services Review Board

Long Term Care Facility Advisory
Subcommittee Bylaws

**Article I.
Membership**

Section 1-1. Pursuant to section 12 of the Illinois Health Facilities Planning Act (“Act”) (20 ILCS 3960), voting members of the permanent Long Term Care Facility Advisory Subcommittee (“Subcommittee”) shall be appointed by the Chairman of the Health Facilities and Services Review Board (“Board Chair”).

Section 1-2. The Subcommittee shall consist of 19 members. Four standing members will represent the Illinois Department of Public Health, Illinois Department of Healthcare and Family Services, Illinois Department on Aging, and Illinois Department of Human Services. The four state agencies will have a perpetual seat on this Subcommittee and be non-voting, ex-officio members.

The Chairman of the Board shall appoint voting members of the Subcommittee, who shall serve for a period of 3 years, with one-third of the terms expiring each June 30, to be determined by lot. All appointees serving as of April 1, 2015 shall serve to the end of their term as determined by lot or until the appointee voluntarily resigns, whichever is earlier. Appointees shall include, but not be limited to, recommendations from each of the three state-wide long-term care associations, with an equal number to be appointed from each. The Board Chair shall select a Subcommittee Chair who shall serve for a period of three years.

The maximum number of consecutive terms that a voting member can serve on the Subcommittee is three (3) consecutive terms. Terms shall expire on the last date of the fiscal year (June 30). After a voting member’s term has expired and the member is no longer on the Subcommittee for at least one (1) year, that person can be reappointed to the Subcommittee. Vacancies in voting membership shall be appointed by the Board Chair. Voting members whose term has expired will continue to serve until a replacement is appointed by the Board Chair.

Once the Board Chair appoints a new voting member to the Subcommittee, that replacement member will occupy the vacant term of the former voting member. If a new voting member is not replacing a former voting member, then the Subcommittee Chair may assign the new voting member to a specific term of office.

Section 1-3. Absent Subcommittee voting members may be represented by an authorized proxy. Authorized proxies may participate in Subcommittee meetings and, if they are a voting member's proxy, will be entitled to vote.

A Subcommittee voting member who would like an individual to be their proxy must submit a written or oral request to the Subcommittee Chairperson for a proxy appointment prior to the meeting in question. This request should include the proxy candidate's resume or credentials. The Subcommittee Chairperson with the advice of the Subcommittee will determine if a candidate can be an authorized proxy. This determination will be made on the record.

Section 1-4. All Subcommittee members and authorized proxies are subject to the State Officials and Employees Ethics Act.

Section 1-5. Subcommittee voting members who are absent from 2 or more meetings during a calendar year without a valid excuse or requesting an authorized proxy will be considered for dismissal from the Subcommittee.

Valid reasons for a Subcommittee voting member's absence include the following: death in the family, illness, disability, personal or family emergency, accident, vacation, weather, legitimate employment obligations, or other business of the Subcommittee.

Article II. Subcommittee's Mandates

Section 2-1. The Subcommittee shall develop for and recommend to the Board a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities.

Section 2-2. The Subcommittee shall develop an open and transparent process that considers the following: how skilled nursing fits in the continuum of care with other care providers, modernization of nursing homes, establishment of more private rooms, development of alternative services, and current trends in long-term care services.

Section 2-3. The Subcommittee shall make recommendations to the Board no later than January 1, 2016 and every January thereafter pursuant to the Subcommittee's responsibility to provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects.

Section 2-4. In consultation with other experts from the health field of long-term care, the Subcommittee shall also study new approaches to the current bed need formula and health service area boundaries to encourage flexibility and innovation in design models reflective of the changing long-term care marketplace and consumer preferences. The Subcommittee shall make recommendations to the Chairman of the Board no later than January 1, 2017.

Section 2-5. The Subcommittee will be provided with a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate long term care facility applications under the Act.

Section 2-6. The Subcommittee shall consider and make recommendations to the Board regarding whether the Board's categories of service that are subject to review should be re-evaluated, including provisions related to structural, functional, and operational differences between long-term care facilities and acute care facilities and that allow routine changes of ownership, facility sales, and closure requests to be processed on a more timely basis.

Section 2-7. At a Health Facilities and Services Review Board meeting, the Subcommittee Chair or his designee shall provide, as needed, but at least twice a year, a status report regarding the progress of the Subcommittee.

Article III. Meetings

Section 3-1. Regular meetings will be scheduled by the Subcommittee. It will be the responsibility of the Board's staff to complete the arrangements for each meeting and to provide notice to the members and the public. All notices will comply with the Open Meetings Act.

Section 3-2. Special meetings may be called whenever deemed necessary by the Subcommittee Chair or any five members of the Subcommittee.

Section 3-3. A meeting may be rescheduled by the Subcommittee Chair.

Section 3-4. All Subcommittee meetings shall be open meetings in accordance with the Open Meetings Act unless a meeting, or portion of a meeting, fulfills the requirements for a closed meeting in accordance with the Open Meetings Act.

Article IV. Subcommittee Officers

Section 4-1. The Board Chair will appoint the Subcommittee Chair and the Subcommittee shall appoint the Vice-Chairperson of the Subcommittee. The Chair shall have the duties and responsibilities described in these Bylaws.

Section 4-2.If the Chair's membership on the Subcommittee is vacated for any reason, or the Chairperson resigns from that position, the Vice-Chair shall assume the Chair responsibilities until the Board Chair appoints a new Subcommittee Chair.

Article V. Conducting Business

Section 5-1.A written agenda shall be developed and publicized for all Subcommittee meetings in accordance with the Open Meetings Act.

Section 5-2. A quorum shall be present in order to convene the Subcommittee and conduct business. A quorum of the Subcommittee shall consist of forty percent (40%) of the Subcommittee voting membership (i.e., 6 members). Members do not need to be physically present at the same location of the open meeting for the Subcommittee to conduct business. A member is present to conduct Subcommittee business if that member attends a meeting in person, by audio, or by video conference.

Section 5-3. Written minutes of open and closed meetings must be kept. A verbatim record is also required for any closed meeting in the form of an audio or video recording.

Section 5-4. All Subcommittee business shall be conducted in accordance with the latest edition of Robert's Rules of Order, unless otherwise specified in the bylaws.

Section 5-5. The Chair of the Subcommittee shall preside over all Subcommittee meetings. In the absence of the Chair, the Vice-Chair shall preside over the meeting and assume the Chair's duties related to that meeting. In the absence of both the Chair and Vice-Chair, the Subcommittee shall appoint a presiding officer for that Subcommittee meeting, by forty percent (40%) of the Subcommittee membership (i.e., 6 votes).

Section 5-6. The presiding officer shall be responsible for conducting the meeting in accordance with the Open Meetings Act, Bylaws and the Agenda. The presiding officer will recognize non-member attendees who may wish to comment during a meeting. The duration of any public comments shall be at the presiding officer's discretion.

Section 5-7. Each Subcommittee, voting member or authorized, voting member proxy shall have one vote on each motion. All motions shall be passed by a majority vote of the Subcommittee voting membership and authorized voting proxies present at the meeting at the time when a vote is taken (i.e., if 6 present

then 4 votes needed, if 8 present then 5 votes needed, if 10 present then 6 votes needed, if 15 present then 8 votes needed).

Article VI. Ad hoc Committees and Task Forces

Section 6-1. The Subcommittee may form ad hoc committees or task forces to take charge of subjects specifically referred to them with a forty percent (40%) vote of the Subcommittee voting membership (i.e., 6 votes). Any ad hoc committee or task force formed by the Subcommittee will include at least one Health Facilities and Services Review Board staff member as staff to that ad hoc committee or task force.

Section 6-2. The Chair of any ad hoc committee or task force shall be a Subcommittee member appointed with a forty (40%) vote of the Subcommittee voting membership (i.e., 6 votes). This Chair shall be responsible for selecting ad hoc committee members with the advice of the Subcommittee. Non-Subcommittee members may be invited to serve on an ad hoc committees or task force.

Section 6-3. The ad hoc or task force Chair shall comply with all the applicable requirements described in Article V. of these Bylaws.

Section 6-4. An ad hoc committee or task force shall cease to exist after accomplishing its assignment and when discharged by the Subcommittee.

Article VII. Remuneration and Reimbursement

Section 7-1. Each Subcommittee member or an authorized proxy, while attending Subcommittee, ad hoc, or task force meetings, shall receive actual and necessary travel and subsistence expenses while serving away from their principal place of residence.

Section 7-2. Subcommittee members or an authorized proxy shall be subject to the Travel Regulations promulgated by the Illinois Travel Regulation Council.

Section 7-3. Subcommittee members or an authorized proxy shall not be entitled to compensation for participation in the activities of the Subcommittee.

**Article VIII.
Bylaws**

Section 8-1. Adoption or amendment of these Bylaws requires a 3/5 majority vote of the Subcommittee (*i.e.*, 9 votes). Amendments shall be proposed at a Subcommittee meeting and voted upon during the next subsequent Subcommittee meeting.

Approved 9/25/2018