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HEALTH FACILITIES &  
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**STATE OF ILLINOIS  
HEALTH FACILITIES AND SERVICES REVIEW BOARD**

**LONG-TERM CARE ADVISORY SUBCOMMITTEE MEETING**

**JUNE 19, 2012**

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**NATIONWIDE SCHEDULING**

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STATE OF ILLINOIS

HEALTH FACILITIES AND SERVICES REVIEW BOARD

525 West Jefferson Street, 2nd Floor

Springfield, Illinois 62761

217-782-3516.

LONG-TERM CARE ADVISORY SUBCOMMITTEE

MEETING

The meeting of the State of Illinois Health  
Facilities and Services Review Board, Long-Term Care  
Advisory Subcommittee was held on June 19, 2012, scheduled  
to begin at the hour of 10:00 a.m., at Rasmussen College,  
1400 West Normantown Road, Romeoville, Illinois.

1 MEMBERS PRESENT:

2 Michael Waxman - Chairman

3 Eli Pick - Vice-Chair

4 Dave Lowitzki

5 CeCe Credille

6 Timothy Phillippe

7 Teri Dederer

8 Neyna Johnson.

9

10 ALSO PRESENT:

11 Juan Morado - HFSRB Assistant General Counsel

12 Courtney Avery - HFSRB Staff

13 Claire Burman - HFSRB Staff

14 Alexis Kendrick - HFSRB Staff

15 Michael Constantino - IDPH

16 Jason Speaks - Life Services Network

17 Mike Bibo - Illinois Healthcare

18

19 Reported by:

20 Joyce Lawrence

21 RPR, CSR-IL, CRR-MO

22 Midwest Litigation Services

23 401 N. Michigan Ave.

24 Chicago, IL 60611

- 1 CALL TO ORDER
- 2 1. Roll Call
- 3 2. Approval of Agenda
- 4 3. Approval of April 3, 2012 Meeting Minutes
- 5 4. Proposed By-Laws Change Discussion
- 6 5. LTC CON Application Review
- 7 6. Subcommittee Task Priorities
- 8 7. Legislative Update
- 9 8. Bed Transfer Update
- 10 9. Other Business
- 11 10. Next Meeting
- 12 11. Adjournment

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1 START TIME: 10:03 a.m.

2

3 CHAIRMAN WAXMAN: Okay. Then let's move on. Has  
4 everyone met Joyce or been introduced to Joyce?

5 Joyce is our reporter for today. Joyce has not done  
6 this group before, so we'll try to behave ourselves.

7 I appreciate everyone coming today. I do know that  
8 there is some significant other meetings scheduled and, you  
9 know, I do appreciate those of you who are helping to  
10 maintain our schedule.

11 We can move forward with discussion on any of the  
12 topics. We just can't vote, obviously, and make any  
13 decisions. But I think it is important that we do move  
14 forward.

15 MS. AVERY: Mr. Chairman, you should probably have  
16 everyone say their names for her.

17 CHAIRMAN WAXMAN: I was just going to do that.

18 MS. AVERY: Oh, sorry.

19 CHAIRMAN WAXMAN: Because the first item is roll  
20 call, so we will do a self roll call.

21 Juan, would you like to start?

22 MR. MORADO: Absolutely. Juan Morado, Assistant  
23 General Counsel for the Health Facility Services Review  
24 Board.

1 MR. CONSTANTINO: Mike Constantino, Board Staff.

2 MR. SPEAKS: Jason Speaks Life Services Network.

3 MR. BIBO: Mike Bibo with Illinois Healthcare and I  
4 am just a guest.

5 MS. JOHNSON: Neyna Johnson, Long-Term Care on  
6 Ombudsman Program.

7 MR. LOWITZKI: Dave Lowitzki with SEIU.

8 MS. KENDRICK: Alexis Kendrick, Board Staff.

9 MS. AVERY: Courtney Avery, Board staff.

10 MS. CREDILLE: Cece Credille with Illinois  
11 Healthcare.

12 MR. PHILLIPPE: Tim Phillippe with Christian Homes.

13 MS. BURMAN: Claire Burman, Board Staff.

14 CHAIRMAN WAXMAN: And I am Mike Waxman and I chair  
15 the committee.

16 I need a motion to approve the agenda.

17 MR. PHILLIPPE: So move.

18 CHAIRMAN WAXMAN: Need a second.

19 MR. MORADO: We don't have a quorum.

20 CHAIRMAN WAXMAN: Okay. I guess I can't approve the  
21 agenda, either. Okay. We will use the agenda unapproved.  
22 Thank you.

23 So we can't approve the minutes. So --

24 MS. AVERY: But if there are corrections, we can

1 state those corrections.

2 CHAIRMAN WAXMAN: Does anyone have any corrections to  
3 our last meeting minutes, which would have been April 3rd?

4 Okay. Again, if you have any, please feel free to  
5 email them to Courtney.

6 MS. AVERY: And we will approve them at the next  
7 meeting.

8 CHAIRMAN WAXMAN: Is the next meeting scheduled?

9 MS. AVERY: No.

10 (Ms. Teri Dederer enters the meeting)

11 CHAIRMAN WAXMAN: Welcome Teri.

12 MS. DEDERER: Thank you. I am sorry.

13 CHAIRMAN WAXMAN: As soon as you settle, would you  
14 state your name for the record?

15 MS DEDERER: Teri Dederer.

16 CHAIRMAN WAXMAN: Your affiliation?

17 MS. DEDERER: I am with Department of Human Services,  
18 Home Services Program.

19 CHAIRMAN WAXMAN: Teri, you're okay and we can move  
20 on?

21 MS. DEDERER: Yes, I am so sorry.

22 CHAIRMAN WAXMAN: No problem. No problem. As you  
23 can tell, we are a light group today. People were torn  
24 between the other meeting, the aging meeting. And when we

1 asked for their commitment, we didn't get it. So we  
2 assumed people were going to show. So --

3 MS. DEDERER: How short are we?

4 CHAIRMAN WAXMAN: We have --

5 MR. MORADO: I think we are about four short.

6 CHAIRMAN WAXMAN: We are four short. Eli is not far.  
7 He called me so maybe some -- maybe more will show.

8 MR. MORADO: I am assuming this gentleman is a  
9 member?

10 MS. DEDERER: Oh, yes.

11 MR. LOWITZKI: Yes.

12 MR. MORADO: So we are four short.

13 CHAIRMAN WAXMAN: A couple could vote twice.

14 (Laughter).

15 CHAIRMAN WAXMAN: Okay. Bylaw discussion.

16 Courtney, are you leading the bylaw discussion?

17 MS. AVERY: Juan is.

18 CHAIRMAN WAXMAN: Are you leading the bylaw  
19 discussion?

20 MR. MORADO: Yes. We are going to be -- I guess we  
21 wanted to talk about quorum. So, seem to be having a  
22 problem.

23 (Laughter).

24 CHAIRMAN WAXMAN: What makes you say that?

1 MR. MORADO: Of course, not that we can take any  
2 action today, but as it stands right now, quorum for these  
3 meetings is a majority, which is, at this point, 10. We do  
4 have the ability to change that. So perhaps today, we can  
5 discuss options, what would work for us, and then we can  
6 come back and vote on what that quorum should be for the  
7 future.

8 As I said before, right now, it is a majority, which  
9 is 10. We can make it lower and that is not a problem. I  
10 know some suggestions have been thrown out there that we  
11 make it 30 percent of the total members, which would be --  
12 we could round that up to 6 people, and we would have a  
13 quorum today if that were the case. But again, it is up  
14 for discussion.

15 MS. DEDERER: It is just in the bylaws, right?

16 MR. MORADO: This is just for the bylaws, yes.

17 CHAIRMAN WAXMAN: I personally think we need to do  
18 something about changing so we can act and get some things  
19 accomplished.

20 So how did you get -- I am sorry, how did you get to  
21 the number 6, or is that just a random number?

22 MR. MORADO: It really is just a random number. All  
23 6 is 30 percent of the total voting members.

24 CHAIRMAN WAXMAN: Okay.

1           MR. MORADO: There had been some discussions back and  
2 forth and that is one of the numbers that was thrown out  
3 there, but it really is just thrown out there, you know. I  
4 guess other boards have used that number.

5           CHAIRMAN WAXMAN: Okay.

6           MR. MORADO: I don't want to pretend to know which  
7 boards those are. But when it was presented to me, that  
8 was one that was --

9           CHAIRMAN WAXMAN: Sounds like it was a board that has  
10 their act together.

11           (Laughter)

12           CHAIRMAN WAXMAN: Mike.

13           MR. BIBO: Would there be any value to having  
14 attendance requirements? The problem is, people don't  
15 attend meetings. That is what creates the quorum problem.  
16 If you are going to have meetings that are going to be  
17 productive, you need to have consistency of participation,  
18 not just show up every six months or whatever. I mean, you  
19 know, I think you are better off having some sort of  
20 participation requirement and then your quorum will vary  
21 based on if you -- if people have to leave, they have to  
22 leave.

23           CHAIRMAN WAXMAN: I agree with you. Actually, I  
24 think we need to do both. I think we need to -- you know,

1 the committee was appointed through a variety of ways. And  
2 I think some people over the year and a half or however  
3 long this committee has been functioning have felt that  
4 they were appointed for inappropriate reasons or this isn't  
5 where they really want to be and, rather than resigning,  
6 they just don't show. So, I agree with you. I think we  
7 need to have a commitment to attend as well as, to help the  
8 committee, a reduced quorum number. I think we should do  
9 both.

10 We are sitting one short of 19 now, aren't we?

11 MS. AVERY: Yes.

12 CHAIRMAN WAXMAN: Courtney?

13 MS. AVERY: Yes.

14 CHAIRMAN WAXMAN: We are down one. We have been  
15 toying with --

16 MS. DEDERER: We are at 19?

17 MS. AVERY: We are at 18.

18 CHAIRMAN WAXMAN: We are at 18.

19 MS. AVERY: We've asked or we sent information or  
20 tried to reach out to -- what is her name?

21 MR. MORADO: Susan Hughes.

22 MS. AVERY: Susan Hughes. And I know Eli was going  
23 to also reach out to her.

24 CHAIRMAN WAXMAN: I know he has.

1 MS. AVERY: So we don't know yet. But, yes, we were  
2 saying that we wanted someone from the academia world to  
3 sit on the committee with the expertise in this area and on  
4 this issue.

5 CHAIRMAN WAXMAN: You know, I've talked to Dale as  
6 chair of the CON Board about committee size and  
7 appointments and he -- his position is kind of like the 19  
8 and it is going to stay at 19 and that we -- you know, we  
9 need to keep it at 19. But I think we could make  
10 recommendations that we have attendance criteria as well as  
11 a reduced quorum number.

12 Yes, sir.

13 MR. LOWITZKI: Is it possible to change so that  
14 proxies have the ability to vote?

15 MS. DEDERER: That is a good idea.

16 MR. LOWITZKI: Because, you know, I have not been  
17 able to attend many of the meetings, but I have always had  
18 somebody here.

19 CHAIRMAN WAXMAN: Right.

20 MR. LOWITZKI: But they have not been able to vote  
21 and not been able to meet the quorum requirements because  
22 of that. So is that a possible change, as well?

23 CHAIRMAN WAXMAN: Off the top of my head, which is  
24 how I get in my most trouble, your person is consistently

1 the same person.

2 MR. LOWITZKI: Right.

3 CHAIRMAN WAXMAN: So, you know, in my mind, that kind  
4 of makes sense because he is on top of everything that we  
5 are doing and the two of you, I know, are very close.

6 On the other hand, you know, as much as I admire and  
7 respect Mike, this is the first time he has been here in  
8 Terry's place, but he is a visitor anyway.

9 MR. BIBO: Yeah, I'm a visitor anyway.

10 CHAIRMAN WAXMAN: So, I'm trying to think who else  
11 sends proxies and if they are consistent. That is my  
12 issue.

13 MS. AVERY: Well, we have really -- and backtracking,  
14 we have two vacancies on the committee. We are at 17.

15 Clint Taylor, I am not sure if Clint -- have we had  
16 Clint at more than one or two meetings?

17 MR. CONSTANTINO: One and a half meetings. He  
18 attended one and a half meetings.

19 MS. AVERY: Clint at 1.5.

20 CHAIRMAN WAXMAN: Who is he?

21 MS. AVERY: He is from Laborer's Union.

22 CHAIRMAN WAXMAN: Okay.

23 MS. AVERY: So, I have reached out to him since we  
24 started this with no response.

1 And AARP switched over to Laurinda and I thought she  
2 was attending, but she may be on her way. I am not sure.

3 Everyone else seems to be really consistent. Pat  
4 usually is consistent.

5 Judy, we haven't seen. She is in and out, but there  
6 are some things that is going on in her agency that  
7 sometimes prohibits her from coming, but she always  
8 provides feedback.

9 CHAIRMAN WAXMAN: She had some family issues that  
10 were pretty serious. That, I understand.

11 CHAIRMAN WAXMAN: Teri.

12 MS. DEDERER: Could you perhaps have a stated  
13 designee? That you are the member and your designee in  
14 case you can't come is X, giving that -- I mean, that would  
15 kind of promote consistency and give you some official  
16 reason to acknowledge proxy as being able to vote?

17 CHAIRMAN WAXMAN: Juan, from your legal perspective,  
18 is that permissible?

19 MR. MORADO: It is definitely something that I can  
20 pull up some more information on for you guys. I would  
21 imagine, if we are going to be in the position of having  
22 proxies, whenever that proxy doesn't come for a meeting and  
23 the person instead, I would think we would want some  
24 documentation, especially if action is going to be taken on

1 their behalf, whether it be just a regular -- just a  
2 two-line letter that says "I give my vote to such and such  
3 a person as my proxy for this meeting".

4 MS. AVERY: And they do that on the committees for  
5 the House and the Senate. You know, Michael Madigan would  
6 send a letter saying that Courtney Avery is replacing Juan  
7 Morado for this meeting.

8 MR. LOWITZKI: There are other advisory councils that  
9 I am on that allow document -- written a letter to have --  
10 allow a proxy vote.

11 MR. MORADO: So I would say, let me pull up some  
12 information -- more information on it; but, I would imagine  
13 the process itself will go something along those lines,  
14 that some kind of documentation would need to come in just  
15 to show that, in case, you know, any action is going to be  
16 taken, we have something in writing.

17 CHAIRMAN WAXMAN: So you have three things to play  
18 with. A number --

19 MR. MORADO: A number.

20 CHAIRMAN WAXMAN: And I am fine with 6. Anyone have  
21 any objection to the number 6 or to propose a different  
22 number and rationale for a different number?

23 MS. AVERY: The number 6 means the 30 percent?

24 MR. MORADO: That is 30 percent of the vote, the

1 members.

2 MR. BIBO: An alternative to that would be that you  
3 just went with the majority of those present. 19-member  
4 committee, but a majority of the votes who are in  
5 attendance for any voting.

6 MR. PHILLIPPE: I still like the idea of a minimum  
7 number. I think it is wise.

8 CHAIRMAN WAXMAN: Yeah, then there is no, you know --

9 MS. KENDRICK: There is no incentive for people to  
10 attend.

11 CHAIRMAN WAXMAN: We know if we have six voting  
12 members, we are good to go.

13 So 30 percent is fine.

14 Proxy.

15 The issue of attendance, I also highly recommend,  
16 except, I think it should be based on a percentage of  
17 attendance. But then we have to know how many meetings we  
18 are having a year in order to determine what that  
19 percentage is and, you know, if we assume that we meet  
20 every other month, that means six meetings a year. Then  
21 what are people's feelings about how many -- what  
22 percentage of the six should someone be at.

23 Or I guess, when you start doing that, then there has  
24 to be allowances for excused absences and we have to define

1 what excused absences are.

2 MS. AVERY: We have to also track it, which isn't a  
3 big issue. And then what are the repercussions if you  
4 don't get an excused absence. Do we kick them off the  
5 committee? And then if we kick them off the committee, it  
6 is hard to get people on this elite committee.

7 (Mr. Eli Pick enters the meeting).

8 MR. PICK: Eli Pick.

9 CHAIRMAN WAXMAN: We are discussing significant  
10 changes to the bylaws. The three that we are -- seem to be  
11 in agreement is is a quorum to be the number six, which  
12 represents 30 percent of the committee members.

13 MR. PICK: That is a good idea.

14 CHAIRMAN WAXMAN: To have a process where you can  
15 designate somebody to vote for you with written  
16 documentation.

17 And now what we are talking about is attendance  
18 commitment, but not yet clear how to make that one happen.

19 MR. PICK: Okay. Thank you.

20 MS. AVERY: Juan, could you look at the meeting  
21 section, Section 3-2: "Special meetings may be called  
22 whenever deemed necessary by the subcommittee chair or any  
23 five members of the subcommittee."

24 Would that have -- would the quorum have an effect

1 there also? Under the bylaws, Section 3-2.

2 MR. MORADO: That would be the quorum.

3 MS. AVERY: Okay.

4 MR. MORADO: That you can call a special meeting.

5 Wouldn't be able to take any action at this point. They  
6 can call a special meeting, but you wouldn't be able to  
7 take any action, as it stands right now. If we change the  
8 rules regarding quorum, any meeting called under Section  
9 3.2 of the bylaws would allow for action to be taken at  
10 that point because we would have quorum. Here it says you  
11 need to have the chair and five other members, which would  
12 be six, so --

13 MS. AVERY: The subcommittee chair or any five  
14 members.

15 MR. MORADO: Or any five members, yeah. So --

16 MS. AVERY: So, do we need to change that to "and" or  
17 do we -- when we change the quorum, does this number need  
18 to change, is my question?

19 MR. MORADO: No.

20 MS. AVERY: Okay.

21 MR. MORADO: No. And I misspoke. When I was  
22 speaking, I was saying it was you and five other members.  
23 This says "or".

24 MS. AVERY: "Or".

1 MR. MORADO: But we still don't need to change it  
2 because -- in any case, if it was just you or if it was  
3 five members, it wouldn't be enough at that point. They  
4 can call a meeting, but they wouldn't be able to take any  
5 action until they have six.

6 CHAIRMAN WAXMAN: Okay.

7 MS. AVERY: Okay.

8 CHAIRMAN WAXMAN: Tim, did you have something?

9 MR. PHILLIPPE: No, I just agree.

10 MS. AVERY: For clarification, if the subcommittee  
11 wanted to meet but the Chair did not want to meet, five  
12 members of the body can say, yes, we are meeting?

13 MR. MORADO: Yes.

14 MS. AVERY: Okay.

15 CHAIRMAN WAXMAN: Fine with me.

16 Does any of this discussion have any bearing on the  
17 Open Meeting Act and all of that stuff that Frank is  
18 always --

19 MR. MORADO: We are in an open meeting right now. I  
20 see we don't have very robust attendance for this meeting,  
21 but we are in open meeting at this time. So, I mean, there  
22 is opportunity right now for public comment if somebody  
23 should walk in off the street and they can tell us their  
24 feelings on it.

1 CHAIRMAN WAXMAN: And if we change the quorum to 6,  
2 it doesn't impact any of that?

3 MR. MORADO: No. I mean, the Open Meetings Act would  
4 still be in effect. We would still have to put notices out  
5 and it would be the same process in that regard.

6 MR. LOWITZKI: Can you remind me in terms of having  
7 side conversations, there is like -- isn't it half of a  
8 quorum, or something like that?

9 MS. AVERY: Oh, the triggering of a meeting?

10 MR. LOWITZKI: To trigger an open meeting. So, if  
11 five of us have a conversation about this stuff outside of  
12 this meeting --

13 MR. MORADO: Majority of the quorum.

14 MR. LOWITZKI: So it is the quorum that triggers  
15 the --

16 MR. MORADO: If we reduce it to six, majority of  
17 quorum would be three. Three people would not be able to  
18 have a conversation outside of an open meeting.

19 MS. CREDILLE: Would or would not?

20 MR. MORADO: Would not.

21 MS. CREDILLE: Would not.

22 MR. MORADO: That would trigger the Open Meetings  
23 Act.

24 MR. PICK: You have to give notice of the meeting.

1 MR. PHILLIPPE: That would change, really, the whole  
2 idea of separate kind of task force working groups.

3 MR. MORADO: The working groups.

4 MR. PHILLIPPE: With my group, originally, the plan  
5 was to have it small enough -- have a small group appointed  
6 or volunteer, that we wouldn't have to go through all of  
7 the extra work. But then other people wanted to join  
8 anyway. And eventually, our attendance was better than  
9 this.

10 MR. PICK: It was.

11 CHAIRMAN WAXMAN: It was. We had a very exciting  
12 subject, too.

13 MR. PHILLIPPE: What that will do -- actually, what I  
14 am getting to is, the work group, then, would always be an  
15 open meeting. Because if you decide to have a work group,  
16 three would trigger an open meeting. So really -- which we  
17 did okay. It was fine. You just have to go through the  
18 extra work of the agenda and the process.

19 MR. PICK: Just means the work group would have to be  
20 two or less.

21 MR. PHILLIPPE: There you go. True.

22 (Laughter)

23 CHAIRMAN WAXMAN: So, therefore, if you want a job  
24 done, do it yourself.

1 (Laughter)

2 MR. MORADO: I can look into those issues, too,  
3 regarding the work groups.

4 MR. PHILLIPPE: Okay.

5 On attendance, just to move the topic along, it would  
6 seem to me, if you have six meetings a year, two would be a  
7 minimum. If you can't make it to two meetings, that is a  
8 problem. And then I would prefer something more like four.

9 MS. DEDERER: I like four.

10 MR. PHILLIPPE: Try to give us a range. I would  
11 think four is reasonable.

12 CHAIRMAN WAXMAN: Rather than a percentage of a  
13 minimum number.

14 MR. PHILLIPPE: Or we could even pick the percentage.  
15 You can say a third or two-thirds.

16 MR. BIBO: Don't have to know about the number you  
17 are going to have in the future. Just have to look  
18 backwards from now. And just say, have you attended -- you  
19 know, over the past year, have you attended two-thirds of  
20 the last meetings. No matter what number of meetings you  
21 have had, just two-thirds of the last meetings looking  
22 today backwards.

23 CHAIRMAN WAXMAN: I'm cool with that. Anyone have  
24 any objections to that number.

1 Teri.

2 MS. DEDERER: Can we put in an excused absence thing,  
3 like medical.

4 MR. LOWITZKI: And I would just say, if proxies can  
5 count for attendance, then I would be fine with that.

6 MS. DEDERER: I agree.

7 CHAIRMAN WAXMAN: I am fine with proxies.

8 MS. DEDERER: Two-thirds with proxies.

9 MR. PHILLIPPE: Let me ask a question. Are proxies  
10 going to be able to vote?

11 CHAIRMAN WAXMAN: Yes.

12 MS. DEDERER: Yes.

13 MR. MORADO: Once I look at it some more and it works  
14 out we are going to have proxies, then, yeah, it would be  
15 the whole purpose of having them, so they could vote.

16 MR. PHILLIPPE: That would be fine, then.

17 CHAIRMAN WAXMAN: You said that you are involved with  
18 boards that are allowing proxies to vote?

19 MR. LOWITZKI: Yes.

20 CHAIRMAN WAXMAN: Eli, are you?

21 MR. PICK: U-huh.

22 CHAIRMAN WAXMAN: Okay. So we are not creating  
23 new --

24 MR. PICK: No. Again, as long as there is a defined

1 process to determine a proxy, then proxies are allowed to  
2 vote.

3 CHAIRMAN WAXMAN: Okay. Can we steal from some other  
4 groups, then, what are excused absences so we don't have to  
5 create that list again?

6 MR. MORADO: I can look into that, yeah.

7 MS. AVERY: Do we need a list with the proxies? And  
8 is the list for both? Like, if neither one can attend?  
9 Why would we need the excuse if we have a proxy?

10 MR. PICK: A proxy is not a defined individual.  
11 Could be any number. Could be different people.

12 MS. AVERY: But I think we -- are we reaching the  
13 agreement that a proxy should be designated?

14 MS. DEDERER: Yes.

15 MR. PHILLIPPE: I like the idea.

16 MS. AVERY: Because we don't want just anybody  
17 showing up and voting on something that they haven't been  
18 participating in the discussion or received the  
19 materials.

20 MR. PICK: Maybe I am misunderstanding the  
21 terminology. But a proxy is usually a designee. You are  
22 talking about a designated individual who would be a  
23 proxy.

24 MS. AVERY: Right.

1 MR. BIBO: An alternate might be --

2 MR. PICK: An alternate would be a better term.

3 MR. BIBO: Would be a better term.

4 MS. AVERY: What I was thinking is that we can  
5 send -- we can create some kind of form to send to members  
6 and they can say who their alternate will be.

7 MR. PICK: Yep.

8 MS. AVERY: And maybe the position in that  
9 organization or something. Something that would lead  
10 credibility that they can come and fit into the group. A  
11 little bit of knowledge on the issues.

12 CHAIRMAN WAXMAN: His alternative has always been the  
13 same gentleman.

14 MR. PICK: Yep. Yep.

15 CHAIRMAN WAXMAN: So I think we use the word proxy  
16 but my mind pictured a consistent alternate.

17 MR. PICK: Alternate, u-huh.

18 MS. AVERY: Alternate, okay.

19 CHAIRMAN WAXMAN: So cleaning the language up. Thank  
20 you very much.

21 MS. AVERY: Okay.

22 MR. PICK: In my experience on the Medicaid Advisory  
23 Committee, it is not an alternate. It is a proxy. And it  
24 is -- could be different people. So that is different than

1 what we are discussing.

2 MS. AVERY: But the alternate can also vote?

3 MR. PICK: The proxy -- so again, in that  
4 application, it is prior to the meeting where that  
5 individual would serve as the alternate?

6 MS. AVERY: U-huh.

7 MR. PICK: They would send written notice designating  
8 that individual for that meeting only to serve in their  
9 stead and vote.

10 MS. AVERY: Okay.

11 MR. PICK: In this case, we are talking about  
12 establishing an alternate who would be available and they  
13 wouldn't have to send us notice.

14 MS. AVERY: Right.

15 MR. PICK: Because they would be pre-established.

16 MS. AVERY: Right.

17 MR. PICK: And they could come in at any meeting  
18 without prior notice.

19 MS. AVERY: Yeah.

20 CHAIRMAN WAXMAN: With a signed document.

21 MR. MORADO: We may need to look into that a little  
22 bit more, too, because I'm not sure if that brings up any  
23 issues with -- I mean, we would be self-appointing our own  
24 people in that sense.

1 MR. PICK: That is correct.

2 MR. BIBO: I think there is sometimes, though -- my  
3 understanding, and I serve on many different committees  
4 throughout the state -- it is -- there is a difference  
5 whether you're an advisory committee or a binding  
6 committee. Planning Board itself couldn't do it.

7 MS. AVERY: Right.

8 MR. BIBO: But an advisory board has more latitude in  
9 how they handle that because they are purely advisory.

10 MR. MORADO: I will look into both and we will see  
11 which would be the better route for us to take.

12 MS. AVERY: So, when we get this approved and after  
13 we look into it, bring it back to the next meeting.  
14 Hopefully, we will have a quorum and we can go through with  
15 it.

16 Are we wanting the same process for the  
17 proxy/alternative that you all went through? Submission  
18 of -- I guess, people submitted some kind of resume' or  
19 something for it.

20 MR. PICK: Credentials.

21 MS. AVERY: Credentials, yes. And does the committee  
22 want to be able to say yeah or nay?

23 MS. DEDERER: No.

24 MR. PICK: I don't think it is necessary.

1 MS. AVERY: Does it make a difference?

2 CHAIRMAN WAXMAN: I think we are relying upon our  
3 committee member to choose somebody who is appropriate.

4 MS. AVERY: So, we will just stress that we ask that  
5 you, you know, not send someone that is not in a service  
6 area or have some kind of knowledge or expertise.

7 CHAIRMAN WAXMAN: I think the alternative has to be  
8 related to your role why you are on committee.

9 MS. AVERY: On the committee, okay.

10 CHAIRMAN WAXMAN: If you're representing a union,  
11 then that person should be part of that union. If you're  
12 representing LSN, then you should be part of LSN or IHCA.  
13 I think there has to be that consistent relationship.

14 MS. AVERY: Okay.

15 MR. PICK: The other question it begs is, if the  
16 alternate is the one who is consistently coming to the  
17 meetings, then why are they the alternate? They should be  
18 the member.

19 (Laughing)

20 MR. LOWITZKI: We have had that conversation.

21 (Laughter).

22 MR. PICK: That is the other reality.

23 MS. DEDERER: Sometimes the member is on a million  
24 things and they can't come.

1 MR. PICK: If they are not coming to the meetings,  
2 then why are they a member? Then ask the alternate to be  
3 the member because they are the one that is available to  
4 come to the meetings.

5 MS. AVERY: And that did happen with AARP. They  
6 formally switched out.

7 MR. PICK: Which is fine. I don't think that is a  
8 problem. I think the problem is, if a named person is  
9 identified as the member but they are not able to come to  
10 the meetings, the alternate is consistently coming, then  
11 just hand it off. Doesn't make sense to just leave your  
12 name on it.

13 MS. DEDERER: Mike also brought up that if we are  
14 going to allow proxies to vote, then maybe we shouldn't go  
15 down to 30 percent for quorum because we have quorum --

16 MR. BIBO: We were talking about various options. I  
17 am not so sure that the combination of all of these  
18 options -- and all these options, I think, were good  
19 ideas -- but combining them all might not be necessary. We  
20 could look at it and, you know, have looked at which way is  
21 best, what it is. But we may not want to go 30 percent and  
22 voting proxy because, pretty soon, this entire Board could  
23 be substituted, which could happen. But you could have  
24 actions for long-term care systems without an actual

1 member, appointed member, on it and you may not want to do  
2 that.

3 MR. PICK: If I may, as you pointed out, Mike, this  
4 is an advisory group. It is not a --

5 MS. AVERY: Can I stop you for one minute so we will  
6 know which Mike. It is Mike Bibo.

7 MR. BIBO: Mike Bibo.

8 MS. AVERY: Okay. Go ahead. Sorry.

9 MR. PICK: I think, as you pointed out, this is an  
10 advisory group. This is not a board -- a ratified board  
11 that is charged to take action. All we can do is advise.  
12 So, you know, having participated, as you have, in these  
13 meetings over the past, what has it been, what, almost two  
14 years now, right, that we have struggled with quorum  
15 issues. That I think it is in our best interest to make --  
16 to establish the easiest method for us to have a quorum and  
17 then there is no recommendation that comes out of this  
18 group that is binding anyway. It is a recommendation to  
19 the Planning Board who ultimately would have to take the  
20 action.

21 And, again, since the alternates are also being  
22 identified as representing the same constituency, I don't  
23 see the risk associated with -- if there is a  
24 recommendation that comes out of the group that is

1 problematic for a particular interest group, then those  
2 points and reasons can be brought forward as part of the  
3 discussion before any action is taken anyway.

4 So, again --

5 MR. BIBO: The only time we are not advisory is in  
6 adoption of bylaws and modification of bylaws.

7 MR. PICK: Okay. Only relevant to this group.

8 MR. BIBO: Right. Bylaws are not advisory.

9 MR. PICK: That is correct.

10 MR. BIBO: This Board can actually vote on the change  
11 of its own bylaws, or this advisory committee.

12 MR. PICK: Its own bylaws.

13 MS. DEDERER: Can I make one other recommendation?

14 Having a meeting -- having our meeting when OASAC is  
15 meeting is not, to me, a very good idea.

16 MS. AVERY: Our meeting was scheduled first.

17 MS. DEDERER: It doesn't matter.

18 MS. AVERY: That meeting came up. We were set and we  
19 had our stuff and I didn't feel -- well, the Chair didn't  
20 feel that, and I agreed, that at that point, because we are  
21 so hard to get our meetings scheduled, that we should  
22 cancel at that point.

23 MS. DEDERER: But, here we are with no quorum. Some  
24 of us came --

1 MS. AVERY: We had a quorum until last night.

2 MS. DEDERER: -- extremely long distances.

3 MS. AVERY: We did have a quorum until last night.

4 MS. DEDERER: I understand that. But, when you are  
5 that close, you put the whole committee, you know, in a  
6 bind by going ahead and having a meeting when you know half  
7 your members --

8 MR. PICK: Teri, I think the committee took the  
9 appropriate action --

10 MS. AVERY: We did.

11 MR. PICK: -- when notice was given to this group  
12 that OASAC a week and a half ago scheduled a training that  
13 conflicted with this date. An email went out to do a quick  
14 straw poll to see who was coming.

15 MS. DEDERER: I know. I know. I know.

16 MR. PICK: So, I think all the appropriate action was  
17 taken. I agree with you that, in advance, the OASAC  
18 meetings -- does the reporter know what OASAC is?

19 OASAC. It is Older Adults Services Advisory  
20 Committee.

21 And those are standing meetings. So I think, you  
22 know, for standing meetings, clearly, we don't want to have  
23 those dates conflict. But when there is a training that is  
24 announced ten days prior to a standing meeting, because

1 this is also a standing meeting, then I think the  
2 appropriate action was taken. Who is coming? Who is not?  
3 Are we -- because the intent was, if we weren't going to be  
4 able to establish a quorum, then we were going to  
5 reschedule this.

6 MS. AVERY: We did have a quorum up until -- what  
7 time did Pat's email come in?

8 CHAIRMAN WAXMAN: I got it at 5:30.

9 MS. AVERY: Five o'clock.

10 MR. PICK: Very late yesterday.

11 MS. AVERY: So, we had a quorum until that point.

12 MS. DEDERER: So, we had ten people until --

13 MS. AVERY: Yes.

14 MS. DEDERER: Who is not here? We are missing  
15 somebody?

16 MS. AVERY: We are missing a lot of people.

17 MR. PHILLIPPE: I agree that the right things were  
18 done, by the way.

19 MS. DEDERER: Who agreed to come who is not here  
20 because --

21 MR. PICK: Teri, it doesn't matter, at this point.

22 MR. PHILLIPPE: There is no reason to shame people.

23 CHAIRMAN WAXMAN: Yeah, it doesn't matter.

24 MR. PHILLIPPE: But I think the right thing was done

1 and I actually will also say, if we want good attendance,  
2 you have to have planned meetings in advance and hold to  
3 them because, when you change the meeting, then people say,  
4 I can't come because the date changed.

5 CHAIRMAN WAXMAN: Right.

6 MR. PHILLIPPE: We have had that happen before --

7 MR. PICK: Yes.

8 MR. PHILLIPPE: -- a year ago because people would  
9 say, I have vacation; we had conferences; we had a plan.

10 MR. PICK: Yep.

11 MR. PHILLIPPE: So I think planned meetings are wise  
12 ahead of time and I think the way you handled it is the way  
13 you have to handle it. You ask people. If they say they  
14 can't come, then you know to cancel it.

15 MR. PICK: Yep.

16 MR. LOWITZKI: The problem isn't this committee  
17 having a meeting today at the same time OASAC had their  
18 meeting. The problem is, the Department on Aging is not  
19 looking at other schedules.

20 MR. PHILLIPPE: Yes.

21 MR. LOWITZKI: This happens across departments. I  
22 mean, I had three or four Veteran Councils at the same  
23 time. That is why I am not here so often. I have multiple  
24 advisory councils on the same day all the time. And the

1 state doesn't coordinate and needs to do better than that.

2 MS. DEDERER: Maybe we need to start a calendar  
3 committee.

4 (Laughter)

5 MR. LOWITZKI: Supposedly, the Governor's office is  
6 working on it.

7 MS. AVERY: Oh, good.

8 MR. LOWITZKI: That is what they have told me.

9 CHAIRMAN WAXMAN: Who is working on it?

10 MR. LOWITZKI: The Governor's office has told me that  
11 they are working on consolidating committees and advisory  
12 councils and trying to coordinate better.

13 MR. PICK: That is good.

14 MR. LOWITZKI: I will believe it when I see it.

15 CHAIRMAN WAXMAN: I think we tried everything we  
16 could to find out if this meeting should be held as  
17 scheduled. We sent emails asking people to commit, to  
18 share their feelings. The problem is, is that if we were  
19 to cancel this morning when we discovered, we would still  
20 miss somebody who would show up and then they would be just  
21 as angry as you might be at the moment. But you came and  
22 they came and there is nobody going. So, it was a non-win  
23 situation.

24 So, Juan, you got several things -- just to

1 summarize, you have several things to look at.

2 MR. MORADO: I do. I have the option of reduced  
3 quorum. We talked about 6 and that being 30 percent.

4 We are going to be looking at commitment for  
5 attendance to these meetings, which we discussed as being  
6 two-thirds of a year's worth of meetings.

7 We have also -- I'm going to be looking into proxy  
8 versus alternate and which option is better for us and what  
9 a proxy process would look like and how alternates can or  
10 should be chosen.

11 I believe that is it, Mr. Chair.

12 CHAIRMAN WAXMAN: Does everyone agree that that is  
13 Juan's assignment and Courtney's assignment?

14 Frank, when he decides to return to work --

15 MS. AVERY: July 2nd.

16 CHAIRMAN WAXMAN: If he doesn't get lost in the wilds  
17 of Alaska.

18 MR. PICK: He is returning July 2nd? He didn't stay  
19 for the 4th?

20 MS. AVERY: Oh, yeah.

21 (Laughter).

22 CHAIRMAN WAXMAN: Well, that was a good discussion.  
23 Maybe we should keep them small.

24 (Laughter).

1           CHAIRMAN WAXMAN:   Anyway.

2           MS. AVERY:   Okay.

3           MR. BIBO:   Was there other bylaw changes?

4           MR. MORADO:   Not that I'm aware of.

5           MS. AVERY:   No, not yet.

6           CHAIRMAN WAXMAN:   CON.   Mike had his scheduled  
7 vacation long before this meeting date, so I knew that.

8           Cece, are you and Mike -- are you representing Mike,  
9 or --

10          MS. CREDILLE:   I am not representing Mike.   He and I  
11 had a conference call in April, but I have not had any  
12 conversations with him since then.

13          CHAIRMAN WAXMAN:   Okay.   Are the changes as presented  
14 the ones that you and Mike kind of agreed to?

15          MS. CREDILLE:   No.   So --

16          MR. PICK:   We should defer this to the next meeting?

17          MS. CREDILLE:   We need to defer.

18          MS. BURMAN:   If I could just have a quick word.

19          MS. DEDERER:   Could you please speak up a little bit?

20          MS. BURMAN:   I did read the list of comments that  
21 Mike Scavotto had put together concerning the application.  
22 About 98 percent of what he had in there were related to  
23 rule change.   In other words, what you have before you  
24 reflects what the current rules are and that is what the

1 application is supposed to do.

2 CHAIRMAN WAXMAN: Okay.

3 MS. BURMAN: Okay. If there are things in the  
4 application you don't like that are rule related, then that  
5 is one of our other topics I think we are going to talk  
6 about today is the priorities and looking at the existing  
7 rules and identifying things that you want changed. But  
8 each point that is brought up needs to be fully discussed  
9 and then a consensus has to be reached by this group. But  
10 the documents you have follows what is required by the  
11 rules that we have in place right now.

12 MS. DEDERER: Do you have his comments that could be  
13 discussed?

14 MS. BURMAN: Well, the purpose of going over the  
15 application today is to have an application that the Board  
16 is to review, you know, different projects that are coming  
17 in. Right now, Staff is using the old application form,  
18 which does not follow the current rules.

19 MR. BIBO: If we go -- and this can't be voted on  
20 today, obviously, but if this goes forward, where do we  
21 stand with the two pieces of legislation, at least two that  
22 I am aware of, pieces of legislation passed this year that  
23 would affect the Planning Board, the bed-buy legislation,  
24 inserting that language, and then the ID/DD legislation.

1 MS. BURMAN: The bed buy, we're a few yards away from  
2 anything appearing in the application because we don't have  
3 any rules for that right now.

4 MR. BIBO: Right.

5 MS. BURMAN: This subcommittee hasn't fully discussed  
6 and reached a consensus, I guess is the point. Okay. We  
7 have no official word about where this group officially  
8 stands with that. Once a consensus is made, then we can  
9 include that in our rule-making efforts, if that is what  
10 the task force is suggesting. And if the Board -- if the  
11 Mother Board agrees with everything.

12 MR. PICK: If I may, I think what supersedes that  
13 is -- I am not understanding why we are using an old  
14 application as opposed to what has already been ratified is  
15 what we should be using?

16 MS. BURMAN: The application is an extension of the  
17 rules.

18 MR. PICK: Correct.

19 MS. BURMAN: Right. Every time the rules are  
20 changed, we have to redo the application form. That is  
21 what this is. This is supposed to comply with 1125.

22 MR. PICK: Right.

23 MS. BURMAN: The application form that we are using  
24 right now is from when the rules were still in part 1110.

1 MR. PICK: I see. The reason we don't have the 1125  
2 conforming application is because we haven't completed the  
3 process of going through all of the rules and how we  
4 want --

5 MS. BURMAN: No, it is because we have been busy with  
6 other things, like looking at bed buying.

7 (Laughter)

8 CHAIRMAN WAXMAN: Does this application conform with  
9 1125?

10 MS. BURMAN: I believe it does. You can ask Mike  
11 what his thoughts are.

12 MR. CONSTANTINO: Yes. We do need an application --

13 CHAIRMAN WAXMAN: Okay.

14 MR. CONSTANTINO: -- approved by the subcommittee at  
15 some point. The quicker the better. A lot quicker the  
16 better.

17 (Laughter)

18 MR. PHILLIPPE: My understanding, we have looked at  
19 this over multiple meetings because, last meeting or the  
20 one before, we couldn't decide which one was the latest  
21 version.

22 MS. BURMAN: That is right.

23 MR. PHILLIPPE: So we have had multiple versions to  
24 look at.

1 CHAIRMAN WAXMAN: Cece, your issues are what with  
2 this application?

3 MS. CREDILLE: Well, since I am not as versed in the  
4 rules and the legal issues, I think they may be more  
5 philosophical than the rules.

6 So when Mike and I spoke, he thought we had two  
7 purposes. One was to address that we tackle the rules and  
8 one was to address can we change, in general, some of the  
9 things that are in the application.

10 MR. PICK: Right.

11 MS. CREDILLE: The process. Because some of the  
12 things don't necessarily apply to long-term care. Some of  
13 them are outdated, given the changes in the industry.

14 MR. PICK: That is correct.

15 MS. CREDILLE: And so -- and I don't know, maybe you  
16 have to tackle the rules first.

17 MS. BURMAN: Yes.

18 MS. CREDILLE: Get to that baseline.

19 MS. BURMAN: Yes.

20 MS. CREDILLE: And then spend time -- because, to  
21 whoever's point was on the bed-buying need, well, that will  
22 come down the road. You can't do that today.

23 MR. PICK: Right.

24 MS. CREDILLE: It is all over the place that you have

1 to refer to the current bed-need formula, and we can't do  
2 anything about that today. That is not the only issue that  
3 Mike and I discussed.

4 CHAIRMAN WAXMAN: You are actually right. We need  
5 the application -- an approved application and then the  
6 things that we want changed, we have to make those  
7 recommendations to the Mother Board. Correct?

8 MR. PICK: Yep.

9 MS. BURMAN: Well, it all starts with the rules. And  
10 if it is in the rule, it appears in here, whether you like  
11 the rule or not. That is just how this is.

12 MS. DEDERER: Didn't you just say we need to do the  
13 rules first and then the application?

14 MR. PICK: No. Teri, what Cece was saying is that  
15 that is what they think they should do.

16 MS. DEDERER: Who thinks?

17 MS. CREDILLE: It was really just Mike and I.

18 MR. PICK: Subcommittee.

19 MS. CREDILLE: It was he and I having a conversation.  
20 You know what, we are only two.

21 MR. PHILLIPPE: The other kind of people in the  
22 provider industry would like to challenge some of the rules  
23 and make recommendations they be changed, but that is not  
24 our purview right now. Right now, what we need to do is

1 get the application approved so it matches the rules so it  
2 is, at least, reasonable and then come back and look at any  
3 recommendation we would like to make for rule changes.

4 And so if it is going on and on like this -- it has  
5 been months now -- I wonder if -- could we not do like a  
6 conference call sometime of the committee just to approve  
7 it?

8 CHAIRMAN WAXMAN: This does meet the rules. So if  
9 this is the one that we should approve or recommend that  
10 the Mother Board approve, right?

11 MS. BURMAN: That is correct.

12 CHAIRMAN WAXMAN: Okay.

13 MS. AVERY: We will have to have a conference call or  
14 something as you and I discussed.

15 MR. PICK: We have to have a quorum.

16 MS. AVERY: So we have a quorum to approve this to go  
17 forth.

18 CHAIRMAN WAXMAN: Right. Then changes that we want  
19 to make to this that are our belief relative to the rules  
20 would then be a separate process to make recommendations to  
21 the Mother Board.

22 MR. PHILLIPPE: Right.

23 CHAIRMAN WAXMAN: So that is where your philosophical  
24 issues can be raised and discussed.

1 MR. BIBO: I think there is a difference between  
2 meeting the rules and exceeding the rules. I have no  
3 knowledge that these don't meet the rules. I think this  
4 goes beyond what the rule actually says. For instance, I  
5 am not aware of anything in the rules, like on page 22,  
6 item 7: "Variance to computed bed need for establishment  
7 of status of Illinois disabled placement of residents from  
8 DHS state-operated beds."

9 I am not aware of anything in the rules that sits  
10 there and talks about that using as a variance for  
11 computation and when, in fact, this administration has gone  
12 on record, they don't want anyone going to an ICFDD, which  
13 is what you guys have say over from a state-offered  
14 developmental center. They want individuals to go to  
15 facilities which you don't have any say over. And so I  
16 don't know that -- I don't think that is the rule at all.  
17 I am not going to dispute whether or not it falls -- It is  
18 fine with me, but I think it exceeds the rules right now.  
19 I think there is more things in there that aren't supported  
20 by the rules.

21 MS. DEDERER: This would be in conflict because they  
22 have -- the Governor has done something to say that they  
23 can't go to an ICFDD from the state.

24 MR. BIBO: Right. I mean, the downside of

1 Jacksonville Development Center and Murray Center is all  
2 under the purview of a group called CRA, overseen by Mark  
3 Doyle out of the Governor's office. And they have made it  
4 clear they don't want anyone going to an ICFDD out of those  
5 facilities.

6 MR. CONSTANTINO: We still have jurisdiction over  
7 those state facilities.

8 MS. DEDERER: Over DHS, right.

9 MR. BIBO: You do have over of the state.

10 MR. CONSTANTINO: In the ICFDD, we still have  
11 jurisdiction for the establishment of those facilities.

12 MR. BIBO: How are you going to compute -- there has  
13 been a bed-buy argument for a long time, Michael. And that  
14 is, there is only 6,300 people in community-based ICFDD's  
15 in this state. There is over 9,000 people in CILA. I  
16 don't know how you are ever going to get to a bed-need  
17 determination when you don't control the larger portion of  
18 where people are going and you have an administration that  
19 is directing people to go -- you are right about the  
20 SODC's, but they are not directing them to go to ICFDD's.  
21 They are directing them to go to facilities you don't have.  
22 MR. CONSTANTINO: There is no argument there. We  
23 don't have jurisdiction over those facilities. But this is  
24 what our current rules say and all we are trying to do is

1 get an application that coincides with our current rules so  
2 to make it at least halfway agreeable to what should be  
3 presented to the Board. As we are doing now, what we get  
4 is a hodgepodge because we are relying on that old  
5 application.

6 MS. DEDERER: So, this is in rule?

7 MR. CONSTANTINO: To the best of my knowledge, it is  
8 in rule, yes. All we are trying to do is get an  
9 application that we can work with and the Board can  
10 understand. We are getting a lot of long-term care  
11 projects that we have to hodgepodge together to conform to  
12 your new rules, 1125, because it has been based upon the  
13 older application.

14 All we are asking you to do is just approve what we  
15 have and then we can come back and change the rule. If  
16 Mike doesn't believe it is in the rule, we can eliminate  
17 it. We can take a look at that.

18 MR. BIBO: If it was only that simple.

19 MR. PICK: Mr. Chair.

20 CHAIRMAN WAXMAN: Yes, sir.

21 MR. PICK: If I may, I think perhaps what we need to  
22 do is clarify the charge of the work group, because that  
23 sounds like that is the part that is still not clear. The  
24 work group is working on multiple elements. And I believe

1 what we need to do is charge the work group to focus,  
2 first, on an application that conforms with 1125 so that we  
3 can get that out and get that working. The Staff has  
4 already put something together. I know the work group,  
5 Mike Scavotto, spent some time reviewing that and had  
6 comments, but it seems to me like we are kind of in a fog  
7 as far as what is the next thing we are supposed to be  
8 doing. And in my mind, what I am hearing is, the next  
9 thing we are supposed to be doing is ratifying an  
10 application that conforms with 1125 so that the Staff can  
11 go ahead and start using it and then -- or they can get  
12 authorization from the Planning Board to start using it  
13 based upon our recommendation.

14 Right, Mike?

15 MR. CONSTANTINO: We were hoping to go to the July  
16 meeting with this application approved by you folks so the  
17 Board could approve it at that meeting.

18 MR. PICK: As Tim recommended, I think what we need  
19 is a conference call on this specific item. No other  
20 business.

21 MR. PHILLIPPE: No.

22 MR. PICK: Just to get the application completed and  
23 reviewed, recommended, so that the July Planning Board  
24 meeting can take action on it.

1           MR. PHILLIPPE: Only other thing I would recommend,  
2 if we could, is to get some summary from Mike Scavotto. He  
3 was leading the work group, right?

4           CHAIRMAN WAXMAN: Right.

5           MR. PHILLIPPE: He worked on this.

6           MR. PICK: Didn't we get that at the last meeting?

7           MR. PHILLIPPE: So --

8           MS. CREDILLE: I wasn't here.

9           MR. PHILLIPPE: If it hasn't changed since the last  
10 meeting. If it hasn't changed, I'm fine with what we did  
11 before. I thought maybe there was some work between  
12 meetings.

13          CHAIRMAN WAXMAN: Courtney, didn't he send a --

14          MS. AVERY: He did. I think Cece has it.

15          MS. CREDILLE: I have --

16          MS. AVERY: We didn't distribute it.

17          MS. CREDILLE: I don't know if this is the most  
18 updated.

19          MS. AVERY: That is, May 4.

20          MS. CREDILLE: It is a memo dated May 4.

21          MS. AVERY: I am not sure.

22          MR. PICK: Unless Mike has changes or updates to  
23 that, based on your most recent work --

24          MS. CREDILLE: Can I just ask. This is my -- this is

1 my personal issue. So, for example, Section 540, which is  
2 service demand, the question -- and this is what -- I don't  
3 know the rules well enough to know. So Mike and I had a  
4 conversation perhaps this whole section should be  
5 eliminated because the way the --

6 MR. PICK: Which Mike? Mike Scavotto?

7 MS. CREDILLE: Scavotto. Because it is getting  
8 referral letters. And whether or not that is valid for  
9 determining need and demand and how you go through getting  
10 referral letters and is it valid at all. So the discussion  
11 we had is, well, why are we doing this and do we need to do  
12 it. But I don't know if that conflicts with the rules. He  
13 and I discussed that, really, this shouldn't be in here.  
14 That is kind of where -- I don't know.

15 MS. BURMAN: Right. Understood. Mike Scavotto in  
16 his memo there brought up a lot of issues that really need  
17 to be looked into and discussed. And if we could find  
18 alternatives to what is being asked for, that is great.  
19 But the fact of the matter is, that is what is in the  
20 rules, period.

21 MS. CREDILLE: That you have to get referral letters,  
22 period.

23 MS. BURMAN: Yes, that is in the rules. All of this  
24 is in the rules. The application is the implementation of

1 the rules. This is the only way you can get it going is by  
2 filling out this application. But all of the big issues,  
3 you have to do rule change for.

4 CHAIRMAN WAXMAN: Okay.

5 MR. PICK: My recommendation is, following this  
6 meeting, we should all go back to our constituent groups,  
7 because we are not experts in all of these areas. We  
8 should go back to our constituent groups to inform them  
9 that we are charged with getting this application ratified.  
10 If the constituent groups have any comments or concerns, it  
11 is now or never. Get them in so we can work through them  
12 with the Staff on what are the issues, how -- whether,  
13 because, again, a rule is a rule and then it has to be  
14 interpreted. Staff interpret it one way, our constituent  
15 groups may interpret it a different way. So we need to  
16 work through those elements so we can get this completed.

17 CHAIRMAN WAXMAN: Teri. Courtney.

18 MS. DEDERER: Okay. I am hearing that what you  
19 really want is for the group to approve this application  
20 and then the next thing we can do is start tearing it apart  
21 to make recommendations for rule changes.

22 CHAIRMAN WAXMAN: That is exactly right.

23 MS. AVERY: Yeah, I think that is it.

24 MR. PICK: That is right.

1 MS. DEDERER: Why don't we just do that instead of  
2 trying to entertain people's interpretation of rules, et  
3 cetera. Because if we are going to get into  
4 interpretation, then the rule really ought to be changed so  
5 it is not that vague.

6 MR. PICK: If I may, Teri, there is a distinction  
7 between differences on interpretation of existing rules  
8 versus changing the existing rules.

9 MS. DEDERER: What I am saying is, if there is that  
10 much room for interpretation, then shouldn't the rules be  
11 changed to clarify them so there isn't that much room for  
12 interpretation?

13 MR. PICK: That may be true and that does require  
14 additional action. I am merely cautioning that we not in  
15 haste, since we have been working with this for so long,  
16 just to approve what is there without an appropriate review  
17 to make sure that all of the issues that any of us and the  
18 groups we represent may have and that those need to be  
19 ferreted out. It doesn't mean that we should withhold  
20 approval. It means that we should make sure that we have  
21 worked through whatever the issues may be.

22 MR. MORADO: It may turn out that the issues that we  
23 have, the rules are the rules, as Claire was saying before.  
24 So there is nothing we can do about it at this point. But

1 I guess what you are saying, Eli, you just want to get that  
2 out there in the open so we know about it and nobody is  
3 voting on something that they can't say later we never --

4 MR. PICK: How did this get through? We didn't know  
5 anything about it.

6 CHAIRMAN WAXMAN: Hey, Mike, when is your meeting?  
7 When is the --

8 MR. CONSTANTINO: 23rd of July.

9 CHAIRMAN WAXMAN: Okay. So what we need to do is, I  
10 would say, get an email out to our committee that asks for  
11 a date the second week of July. That we have a conference  
12 call with the intent of approving this application so that  
13 you can present it to the July meeting, that we have  
14 approved it. And that gives us a couple weeks for us to  
15 review with whoever any questions and that, on that  
16 conference call, any issues that are raised can be defined  
17 as being part of the rule or not part of the rule. And if  
18 it needs a rule change, we can bring it to the -- to  
19 this -- back to this group and we can then make any  
20 recommendations to rule changes. But at least, let's get  
21 the application approved and any questions answered about  
22 it on a conference call.

23 MR. PHILLIPPE: Just to clarify, summarize what you  
24 said.

1 CHAIRMAN WAXMAN: Please do.

2 MR. PHILLIPPE: The purpose of the conference call is  
3 not to debate it.

4 CHAIRMAN WAXMAN: Absolutely right.

5 MR. PHILLIPPE: All we will do is vote yes or no.

6 CHAIRMAN WAXMAN: Did you say it was a debate?

7 MS. CREDILLE: It would be a debate if we are going  
8 to say, just using the example I gave you, is service  
9 demand a rule or not a rule. Then it goes on the pile --

10 CHAIRMAN WAXMAN: See, it won't be a debate because  
11 you can raise the issue. It will be determined that it is  
12 a rule and then it becomes on the list of things that we  
13 want to look at after we approve it. So, no debate. It is  
14 either --

15 MR. PICK: If I may. I am sorry. I don't mean to  
16 cut you off. But what I would suggest --

17 MS. DEDERER: If there is a discussion about the  
18 rules --

19 MR. PICK: If there are issues, email is a perfectly  
20 appropriate form to get those comments in before the call,  
21 not at the call.

22 MS. AVERY: And can I say that even when the work  
23 group was meeting, the application went out to everyone to  
24 ask for feedback. It is on the web site. So those

1 organizations and committees that you are referring to,  
2 Eli, you can direct them there to look at it to give us  
3 comment in the future.

4 CHAIRMAN WAXMAN: This is the one that is on the web  
5 site?

6 MS. AVERY: Yeah. And the second thing I wanted to  
7 say while we are here, if we could set a date, because I  
8 don't want to get six or seven different dates that we can  
9 throw out there for them.

10 CHAIRMAN WAXMAN: I am fine with that.

11 MS. DEDERER: I have to ask a question.

12 Eli, you are saying that we should allow discussion  
13 of the rule interpretation, but I am not hearing any date  
14 or time or means to have that discussion. I am hearing  
15 there is going to be a meeting to vote.

16 MS. AVERY: We can put it on the next agenda.

17 MR. PICK: Teri, again, I didn't say discussion. I  
18 said comments. There is a difference. Comments are that  
19 each group provide Planning Board Staff with comments on  
20 the application about whatever concerns or issues they have  
21 so that it is taken into account in their draft.  
22 Discussion means, we all get together and discuss it.  
23 There is a difference.

24 MS. DEDERER: Okay. So the comments are going to be

1 taken into account and put on a list to be discussed later?

2 MR. PICK: Possibly. Or the other possibility is  
3 that Staff address it right now. They can modify the  
4 application. It is a Staff work product.

5 MS. DEDERER: Okay.

6 MR. PHILLIPPE: Can I say, I think it is taking us a  
7 long time -- I don't want to rush things through. However,  
8 it has been months and months that we have had this. If we  
9 wouldn't have had our subcommittee, my guess is the Staff  
10 would have brought it to the Board and it would have been  
11 approved a long time ago.

12 MR. PICK: Absolutely.

13 MR. PHILLIPPE: So, we are making things inefficient  
14 here partly because we had a work group. The purpose of  
15 the work group is to do the stuff we are talking about  
16 doing in the future. I think the work group met, had Staff  
17 input, went through the issues they had to clarify what is  
18 a rule. You guys did all of this work in the work group  
19 already.

20 CHAIRMAN WAXMAN: In Mike's defense --

21 MR. PHILLIPPE: So if Mike was here, he would  
22 probably have said that and saved us a lot of time.

23 CHAIRMAN WAXMAN: If Mike was here, in his defense,  
24 one of the members of his work group has not been

1 responsive at all. So we are not sure why. And I thought  
2 that she wanted to be a part of it and yet has not been  
3 responsive. Cece stepped in and has helped him a lot and  
4 we appreciate that very much, but I mean --

5 MS. CREDILLE: I am not sure it is a lot. Again, it  
6 is my personal issue of rules versus not.

7 MS. AVERY: Now, are your comments -- did we get your  
8 comments about it?

9 MS. CREDILLE: No, Mike has had my comments, but I  
10 didn't send them anywhere else.

11 MS. AVERY: So, we kind of have them through Mike,  
12 your comments to Mike.

13 MS. CREDILLE: I think when -- this May 4 document  
14 appears to me to stick more to the rules than the  
15 philosophical is what I can see.

16 MS. AVERY: So we can expect comments from you  
17 regarding the philosophical part?

18 MS. CREDILLE: I am thinking that is what they mostly  
19 are.

20 MS. AVERY: Okay.

21 CHAIRMAN WAXMAN: Those may come back to the group  
22 after the application is approved.

23 MR. PHILLIPPE: Just for the purposes of clarifying  
24 our task ahead, though, it seems like getting an

1 application approved that some of us still may want to  
2 tweak some day or suggest it be tweaked is still better  
3 than using the old one that we have now.

4 MR. PICK: Yes.

5 MS. AVERY: Correct. Correct.

6 MR. PHILLIPPE: So, if we can get a new one approved  
7 and then move forward later, that would be helpful, I  
8 think.

9 MR. CONSTANTINO: That is a great suggestion, Tim.

10 MR. BIBO: One comment, before we actually vote on  
11 this first two weeks of July, you may just want to do a  
12 word search. For instance, this document uses in a couple  
13 different places the phrase "Public Aid". The rule  
14 actually doesn't use "Public Aid". The rule uses  
15 "Healthcare and Family Services". So, at least make a  
16 reference to a department that exists by proper title.

17 MS. AVERY: Those are the kind of things that we need  
18 feedback on.

19 MR. PICK: Right. That is good.

20 MR. BIBO: Those are minor issues. I'm just -- when  
21 we are told it complies with the rule, I am looking at the  
22 rule right here. I am looking at the language right here.  
23 I am thinking, I have other issues.

24 MR. PICK: That is exactly why I am saying let's get

1 the comments in now before we vote.

2 MR. PHILLIPPE: Good.

3 CHAIRMAN WAXMAN: All right. So, we are looking at  
4 the week of July 9th. Can we find a day that everyone can  
5 agree that we can have what I would hope would be a quick  
6 first call to vote?

7 MS. AVERY: An hour?

8 MR. PICK: An hour at the most.

9 MS. AVERY: So, you want to set up video sites, also?

10 CHAIRMAN WAXMAN: No.

11 MS. AVERY: Are you saying five minutes, Tim?

12 MR. PHILLIPPE: Ten minutes.

13 MR. PICK: Can I suggest a time and throw out a date?

14 CHAIRMAN WAXMAN: Yeah.

15 MR. PICK: July 10.

16 CHAIRMAN WAXMAN: July 10th.

17 MR. PICK: That is Tuesday.

18 CHAIRMAN WAXMAN: Morning or afternoon?

19 MR. PHILLIPPE: Doesn't matter.

20 MR. PICK: Morning.

21 CHAIRMAN WAXMAN: Ten o'clock.

22 MR. PICK: Ten o'clock.

23 MS. AVERY: On which day?

24 CHAIRMAN WAXMAN: 7-10-12.

1 MS. DEDERER: What day of the week is that?

2 MR. PICK: Tuesday.

3 MR. PHILLIPPE: Tuesday.

4 MR. BIBO: That is going to be a conference call  
5 meeting?

6 CHAIRMAN WAXMAN: Yes.

7 And, Courtney, can you set it up so we can have a  
8 call-in number?

9 MS. AVERY: Yes.

10 Alexis just brought up a point for clarification of  
11 Eli's point about sending the comments. We can send them  
12 to Claire. Claire will compose them in a document that can  
13 be used for their subcommittee.

14 MS. BURMAN: Sure.

15 MS. AVERY: Is that fair?

16 CHAIRMAN WAXMAN: Yes.

17 MS. AVERY: Is that more of a doable process?

18 CHAIRMAN WAXMAN: Yes.

19 MS. KENDRICK: Not sending it to everyone, because  
20 then that triggers an open meeting.

21 MR. PICK: Right.

22 MS. KENDRICK: Just to make sure.

23 MS. AVERY: Send them to Claire and we will compose  
24 them and we will get them out to everyone.

1 CHAIRMAN WAXMAN: Perfect.

2 MR. BIBO: When do you want those in?

3 MS. AVERY: Deadlines for Claire. Prior to the 9th.  
4 Hopefully the last week in June or first week in July. So  
5 we will say no later than the 6th of July.

6 CHAIRMAN WAXMAN: Is that okay with you?

7 MS. BURMAN: Sure.

8 CHAIRMAN WAXMAN: Okay.

9 MS. AVERY: Sooner or is that okay?

10 CHAIRMAN WAXMAN: Claire is fine with July 6th.

11 MS. AVERY: I will send out the email today.

12 MR. PICK: Good.

13 CHAIRMAN WAXMAN: All right. So we have accomplished  
14 a goal and a plan. Great. Wonderful.

15 MR. PICK: It is nice not having a quorum.

16 CHAIRMAN WAXMAN: Maybe this should be our new method  
17 of operation. No quorums and just move forward.

18 MS. AVERY: What time for the call? I missed it.

19 MR. PICK: 10 a.m.

20 CHAIRMAN WAXMAN: 10 a.m.

21 MS. AVERY: 10 to 11?

22 MR. PICK: Can we say 10:00 to 10:30? If you make it  
23 10:00 to 11:00, it will go longer.

24 MS. AVERY: It is only a vote.

1 MR. PHILLIPPE: Ten minutes should be adequate. We  
2 are just voting. Let's be clear.

3 MS. DEDERER: You got to get everybody on the phone.

4 MR. BIBO: You have to allow for discussion.

5 MR. PHILLIPPE: We will, but they should not talk.  
6 We should allow it but not encourage it.

7 MS. AVERY: But you can set a time limit. Two  
8 seconds. Juan is good at that.

9 CHAIRMAN WAXMAN: Okay. Moving on to subcommittee  
10 task priorities and who -- Courtney?

11 MS. AVERY: I think it is a group discussion and it  
12 kind of came up how we have gotten off track with the  
13 priorities, so I wanted to revisit those priorities in  
14 order to get us back on track so we can have productive  
15 days like we did today. Bed relocation and buying kind of  
16 superceded everything. And I think that is how we got to  
17 the point where we are now feeling rushed for this  
18 application.

19 CHAIRMAN WAXMAN: I think that got forced on us by  
20 people passing -- starting some legislation that was  
21 premature or -- anyway.

22 So, go ahead.

23 MS. AVERY: In looking at those priorities, we just  
24 wanted -- Staff wanted to make sure that we are still on

1 track and, Claire, chime in, because she does most of the  
2 work that affects the subcommittee of how we want -- if we  
3 want to reprioritize or if we want to stick to the  
4 priorities. How do we want to go forward?

5 MS. DEDERER: What are the priorities?

6 MS. AVERY: I am bringing them up on my -- they are  
7 on the attachments. Remember, we went through and ranked  
8 modified current bed formula, methodology. Everybody  
9 remembers that?

10 CHAIRMAN WAXMAN: Yes.

11 MS. AVERY: And incorporated the programmatic aspects  
12 with the specialized short-term versus long-term  
13 specialized care and what other states are allowing for bed  
14 buying. I think we have gotten a lot of work done on the  
15 last issue. But the others, we kind of skipped around on  
16 and we just hinted at, again, with the formula need. Is it  
17 still applicable? Are people happy with it? I know we are  
18 going to get both sides. Is that something we need to work  
19 on?

20 CHAIRMAN WAXMAN: Tim and his committee did a great  
21 job on the formula conversation except then what we  
22 realized is that everybody wanted input. So we said, it  
23 really can't be done in a work group. It needs to be  
24 done -- Tim.

1           MR. PHILLIPPE: Also, I think what happened on the  
2 formula as we dug into it, really, and spent a lot of time  
3 on it, there wasn't much we could change. I think there  
4 was a lot of thought that wasn't -- if you really look at  
5 other states, they have similar methodology. You know,  
6 there was this thought that we should incorporate the  
7 assisted-living beds and other ideas. But that just -- we  
8 looked at how you would do that and the methodology doesn't  
9 fit. The information is not really available. And the  
10 only thing I think we came out of it was actually measuring  
11 the operational beds, make some recommendation about  
12 tracking that number, and seeing if that could be used at  
13 sometime in the future. Wasn't that --

14           MR. PICK: U-huh.

15           MR. PHILLIPPE: Eli was in the meetings, too.

16           MR. PICK: Yeah. Yeah.

17           MR. PHILLIPPE: I think we looked at it. When you  
18 first come at the bed-need formula and I got input from  
19 other people on this, it seems, oh, yes, we should be --  
20 somebody told me this yesterday -- we should be including  
21 things like assisted living, home care, and all of these  
22 things. And we all know it has changed the industry. The  
23 problem is, when you try to figure out how to stick it in  
24 the formula, it just doesn't work. We couldn't come up

1 with a way.

2 MS. DEDERER: Why doesn't it work?

3 MR. PHILLIPPE: What?

4 MS. DEDERER: Why doesn't it work?

5 MR. PHILLIPPE: Because we don't have the information  
6 available in the same way that we -- could be used in an  
7 objective uniform manner.

8 MR. PICK: If I may, what we did suggest, which I  
9 think Staff was receptive to, is that their applications  
10 are asked to include what are available community resources  
11 that would -- that incorporate home care, assisted living,  
12 other community-based services as part of their application  
13 to determine why they think there is a need for the service  
14 they are applying for. That -- because there is a  
15 difference between a hard and fast rule that governs how to  
16 determine bed need versus the hard and fast rule which is  
17 there -- which is a population-based formula. And now, we  
18 are asking applicants to incorporate in their application  
19 their market study and evaluation of what services are  
20 available and why the applicant believes that there is  
21 still a need for the services that they are applying for.

22 Is that an accurate recap.

23 MS. BURMAN: Yes. So, the mathematical formula is  
24 just a starting point. That is not the end all.

1 MR. PICK: That is much better than at home because  
2 my wife never says yes. She always has a modification of  
3 what I said.

4 (Laughter)

5 MS. DEDERER: Eli, you did work with data, so why is  
6 it then that assisted living and home care have different  
7 ways of presenting data than beds.

8 MR. PICK: If I may, first, there is no reporting  
9 requirement for those service sectors. And as a result,  
10 there is no agency that collects that information. There  
11 is demographic information. There is business or  
12 industrial-based information, which is not validated and,  
13 therefore, is not error free or totally reliable. So  
14 again, that is why I think the most appropriate venue is  
15 for the applicant in doing their market study, because a  
16 market study isn't relying just on government reports and  
17 census-based data. It also includes industry-reported  
18 information which, again, is not validated.

19 MS. DEDERER: Validated by whom? Who validates the  
20 beds? The nursing homes. It is all self-report.

21 MR. PICK: Well, there is -- well --

22 MS. DEDERER: Isn't it?

23 MR. PHILLIPPE: No.

24 MS. AVERY: No. Licensure.

1 MS. DEDERER: There is a person that comes out and  
2 counts them?

3 MR. PHILLIPPE: I mean we have -- you know, we send  
4 in cost reports.

5 MR. PICK: There is a difference between how many  
6 people are in the beds, which is not validated, versus how  
7 many beds, which is validated. How many beds that are out  
8 there that are licensed is a validated process.

9 MS. DEDERER: It is a license number.

10 MR. PICK: That is a validated process.

11 MR. PHILLIPPE: Plus, in submitting cost reports, the  
12 information on census is out there, right?

13 MR. PICK: Yes.

14 MR. PHILLIPPE: It is valid information because it is  
15 really -- I mean, there is legal liability for lying in  
16 those documents.

17 MS. DEDERER: Assisted living, is that the issue?

18 MR. PHILLIPPE: Nothing is provided for assisted  
19 living.

20 MR. PICK: Not licensed. There is no cost reporting.  
21 They receive no federal funds. So as a result, there is no  
22 system in place for them to report data.

23 MR. PHILLIPPE: I have assisted-living buildings,  
24 okay. We do not need to report on that the same way we do

1 on nursing services.

2 MS. AVERY: Is it because of the reimbursement?

3 MR. PHILLIPPE: First, you have reimbursement. But  
4 even on assisted living, first, we receive no government --  
5 normally, assisted living receive no government funds. So  
6 there is a review process, a survey, Department of Health.  
7 However, there is really no requirement to submit that  
8 information that we must submit on nursing care.

9 MR. PICK: Supportive living.

10 MR. BIBO: The access on assisted living population,  
11 you don't know. The bed license, you do know.

12 MR. PHILLIPPE: Yes.

13 MR. BIBO: It does have a license.

14 MR. PHILLIPPE: Right.

15 MR. BIBO: So you do know if it is an 84-bed  
16 assisted living or a 36-bed assisted living.

17 MR. PHILLIPPE: Yes.

18 MR. BIBO: But you don't know what the occupancy  
19 ratio is.

20 MR. PHILLIPPE: No.

21 MR. BIBO: Through other means other than just  
22 asking.

23 MR. PHILLIPPE: Right. And then supportive living is  
24 kind of a hybrid because --

1 MR. PICK: But that is only true in the assisted  
2 living settings that seek licensure. There are  
3 environments that are providing assisted living that are  
4 not licensed.

5 MR. BIBO: That is the unlicensed nursing homes.

6 CHAIRMAN WAXMAN: When Rick was here, he put that  
7 number, like, around a thousand.

8 MR. BIBO: Shouldn't be considering unlicensed  
9 nursing homes as a population. The Attorney General ought  
10 to be going after that.

11 MS. DEDERER: That is right.

12 MR. PHILLIPPE: Actually, though, what you are  
13 identifying is, actually, the clear issue we spent a lot of  
14 time in the work group on. And the problem is,  
15 everything -- you know, 30 years ago, what was being  
16 provided in a nursing facility covers this whole gambit of  
17 services out there in the market today and some of it is  
18 licensed, some of it is not licensed, some of it gets some  
19 partial government funding, some does not. And they all  
20 have different kinds of reporting requirements and some  
21 have no reporting requirements. It is very difficult to  
22 figure out how to squeeze apples, oranges and bananas all  
23 in a formula that just comes up with a number of apples.

24 MR. PICK: So I think we did figure out a way. What

1 we did was to ask the Staff to include in their requested  
2 documents from applicants a market study that includes what  
3 services are available in the community and how that was  
4 taken into account in determining why the applicant  
5 believes there is a need for the number of beds they are  
6 applying for.

7 MS. DEDERER: Okay. I am sorry. I was on this  
8 committee. I did stop attending for a variety of reasons.  
9 I mean, I think the people who do -- are involved in home  
10 care oppose what you are saying. What you are saying is  
11 the ultimate recommendation of the committee because we  
12 believe that the numbers can be provided to -- I mean,  
13 there are as good of numbers as the beds are, or as  
14 occupancy is, you know.

15 MR. CONSTANTINO: We don't have the authority to ask  
16 for that information.

17 MS. AVERY: Right.

18 MR. CONSTANTINO: We don't have the authority over  
19 home care, assisted living, supported living, children  
20 care. We don't have that authority.

21 MS. DEDERER: Whether you have the authority over  
22 those places or not, you can't ask for that on an  
23 application?

24 MR. CONSTANTINO: That is what we are doing. That is

1 what Eli just said.

2 MS. DEDERER: why can't it be included in --

3 MR. CONSTANTINO: It can't be included in the formula  
4 because we don't collect the data. We don't have any  
5 jurisdiction over those facilities.

6 MS. DEDERER: So the formula can include this  
7 information.

8 MR. CONSTANTINO: No, it cannot.

9 MR. PICK: No.

10 MS. DEDERER: But we can include it as --

11 MR. CONSTANTINO: Right now, that is the best way we  
12 can collect it. We have the applicants do it for us.

13 MS. DEDERER: I understand that they are collecting  
14 it for you and why can't they put it -- I see what you are  
15 saying. Okay.

16 MR. PICK: Can I --

17 MR. PHILLIPPE: I think -- because we dealt with this  
18 for a while --

19 MR. PICK: I think you just accepted it.

20 MR. PHILLIPPE: If you accept it, I won't say  
21 anymore.

22 (Laughter)

23 MR. PICK: I was trying to figure out what your  
24 problem is, but are you okay with it now? Do you

1 understand now the distinction?

2 MS. DEDERER: I am working on it.

3 MR. PICK: Okay.

4 MR. PHILLIPPE: The issue for us is, there is a  
5 bed-need formula, okay. And there are all these other  
6 services. But you can't take the way the -- those services  
7 and figure out how to shoehorn them into the formula.

8 MR. PICK: Right.

9 MS. DEDERER: Then why are --

10 MR. PHILLIPPE: That is just the way it works. It  
11 doesn't mean we don't care about healthcare --

12 MS. DEDERER: Why is government spending so much time  
13 talking about the balance between the number of beds and  
14 the number of community -- people served in the community.  
15 I mean, AARP comes out every year with the ranking of who  
16 has got how many and which picks. So somebody thinks it is  
17 important, but we don't.

18 MR. PICK: Teri, why do you think we say it is  
19 unimportant? Because it is not in the formula?

20 MS. DEDERER: Yeah.

21 MR. PICK: Okay. Now we have gotten to the crux of  
22 the issue. And the crux of the issue is that, in the  
23 legislation that identified the formula, that is what has  
24 to get changed is the legislation. The current formula is

1 in --

2 MS. DEDERER: Then why have we been looking at it?  
3 Why are we looking at it if it is in legislation? I don't  
4 mean to be -- I am sorry. I am going to try to take a deep  
5 breath, but why are we looking at it?

6 MR. PICK: Why are we looking at it?

7 MS. DEDERER: If it is in legislation?

8 MR. PICK: Because we are trying to figure out a  
9 better way to do this within the limitations that we have.  
10 And that is what we're -- that is what we are sharing with  
11 you are those limitations. And what we came up with was an  
12 accommodation to allow us to take into consideration  
13 without having to change a legislated formula. And  
14 government, as you point out, is looking at what services  
15 are available in the community and how to balance that  
16 against what services that are institutionally based, that  
17 are governed by policy, are made available to the public.  
18 We are doing exactly the same thing.

19 MS. DEDERER: Okay. There is your okay.

20 MR. PHILLIPPE: Here is what I came -- going forward,  
21 really, we have to talk about the issue, because there is  
22 enough -- there is people here who speak for parts of the  
23 aging industry that actually are concerned about there  
24 needs to be fewer nursing beds. Because the more beds we

1 have, the more money goes to it and then there is less  
2 money going to home services that keeps people out of  
3 nursing homes. Okay. That is clear. I agree. I don't  
4 have a problem with that, personally. I don't.

5 So, I mean, we are all speaking different issues.  
6 The question is, is the bed-need formula the way to address  
7 that question or is there some other way. And that is the  
8 assumption I have come to after looking at this for a while  
9 and talking to Claire. I don't think we can make those  
10 changes through the bed-need -- or it would be so long and  
11 hard, like Eli was saying -- but we can consider them in  
12 other ways. Because even on the application, when you do  
13 your application, I do a survey of the amount of home  
14 services available. Well, how does that help? There is a  
15 lot. There is none. How does it change my application  
16 before the Board? I don't think it does.

17 MS. DEDERER: Well, doesn't it?

18 MR. PHILLIPPE: No.

19 MS. DEDERER: If you have a lot of home care, then  
20 you should have a need for fewer beds in nursing homes.

21 MR. PHILLIPPE: How do you measure a lot versus a  
22 little?

23 MS. DEDERER: And if you have no home care and no  
24 home health, then nursing homes are it and you are going to

1 need more of them per capita.

2 MR. PICK: Tim, you opened this up again.

3 MR. PHILLIPPE: So I will drop it.

4 MS. DEDERER: I will go back to the okay. I give  
5 up.

6 MR. PHILLIPPE: Sorry. You can move on.

7 CHAIRMAN WAXMAN: So, the question that was on the  
8 table is, is this list of priorities still the same rank  
9 that we want them to be in, and I think the answer is yes.  
10 So that means that at our next meeting, we can then start  
11 looking at one of the next issues to be resolved by us, as  
12 well as -- I mean, the next committee is going to look at  
13 the adjustments to the bylaws. It is going to look at --  
14 begin to looking at the suggestions of changes to the CON  
15 application that need rule changes and that we can then see  
16 if we can agree on some hard agreed rule changes that we  
17 can pass upward to the Mother Board. And then we can take  
18 on -- beginning to look at one of the next priorities off  
19 of this list. And we agree that the list is still intact.  
20 So --

21 MR. PHILLIPPE: Can I suggest, the list being intact,  
22 it seems like, if we look at the order, bed buying was down  
23 near the bottom, right? And we had programmatic -- the  
24 number 2 was, actually, incorporate programmatic aspects of

1 care.

2 MR. PICK: Right.

3 MR. PHILLIPPE: Number 3 -- Number 4 and 5, actually,  
4 was other states allowing bed buying. It sounds like  
5 bed-buying has a lot of energy. There is a lot interest in  
6 that now. And --

7 CHAIRMAN WAXMAN: You want to move it up?

8 MR. PHILLIPPE: Well, I was just going to suggest, if  
9 there is going to be a rule eventually that would permit  
10 that, it would make sense to be working on a recommendation  
11 for that.

12 CHAIRMAN WAXMAN: Okay. I am not opposed to  
13 rearranging the priorities.

14 MS. DEDERER: Is the new application not going to  
15 allow proposals for these specialized -- for the items in  
16 Number 2? Like if a nursing home is proposing that they  
17 want to do vent care, dialysis, whatever, is this  
18 application allowing for that?

19 MR. PICK: Teri, there are no rules governing that at  
20 all in any form. Not legislative, not licensure, and not  
21 operational. None. It is a completely blank sheet of  
22 paper right now.

23 MS. DEDERER: Okay.

24 MR. PICK: That is why it is on the list.

1 MS. DEDERER: So it can't really be incorporated in  
2 the bed needs or in an application?

3 CHAIRMAN WAXMAN: A nursing home can apply to have  
4 special units in their CON application.

5 MS. DEDERER: Okay. That is what meant.

6 CHAIRMAN WAXMAN: Yeah.

7 MS. DEDERER: Okay.

8 MR. PICK: But there is no requirements. They are  
9 all still generalized long-term care beds. There is only  
10 one category of beds. They are either general long-term  
11 care or they are not.

12 MS. BURMAN: That would be a programmatic decision.

13 CHAIRMAN WAXMAN: Yeah.

14 I mean, Teri, a home can --

15 MS. DEDERER: I was just asking for clarification.

16 MR. PICK: That is why it is on the list. I was the  
17 one who advocated for that item.

18 CHAIRMAN WAXMAN: Right. And I think you had a lot  
19 of support.

20 MR. PICK: Because it requires more definition and  
21 more governance. There is none.

22 MS. DEDERER: Okay. And so, you are willing to move  
23 it to three?

24 MR. PICK: As long as it is on the list. It wasn't

1 on the list at all.

2 MR. BIBO: I think there is merit to moving the  
3 ranking of the bed-buying up to the -- closer to the bed  
4 formula because I think they are tied together. They are  
5 hand-in-hand sort of issues.

6 CHAIRMAN WAXMAN: They are tied together. I agree  
7 with you. I think Tim implied that in his comments. I  
8 agree.

9 MR. PHILLIPPE: U-huh.

10 CHAIRMAN WAXMAN: Okay. All right. So, the agenda  
11 is getting thicker.

12 Legislative update.

13 MS. AVERY: Are we needing a -- some kind of  
14 formalized motion to change those.

15 CHAIRMAN WAXMAN: You ain't got no motion.

16 MR. PICK: We don't have a quorum.

17 MS. AVERY: Yeah. That is why -- so I will know to  
18 put it on the next for approval to change the ranking.

19 MS. DEDERER: Yeah.

20 CHAIRMAN WAXMAN: What you can do is report that this  
21 meeting is making the recommendation to move item 3 as part  
22 of item 1.

23 MS. AVERY: Okay. So we will bring a draft. Okay.

24 MS. CREDILLE: What happened to -- I think it was our

1 January meeting, where then some folks were going to  
2 present in March, but that didn't happen, so then I thought  
3 there was going to be a presentation today of -- related to  
4 bed-buying from whatever was on the table from two years  
5 ago. But then when the agenda came out, there was nothing  
6 that looked like any of it.

7 MR. PHILLIPPE: You know what happened is, it became  
8 part of the work group because we were asked to look at it.  
9 And then because we were asked to look at it, the two  
10 association people came to the work group -- that is what  
11 you are referring to. We talked about having the  
12 associations actually present.

13 MS. CREDILLE: Present and we were going to have  
14 multiple people come.

15 MR. PHILLIPPE: And we did have actually at the last  
16 meeting, Jason and somebody else, Terry. They did talk  
17 about it and then we presented the information we had from  
18 our work group. This last meeting, maybe.

19 MR. PICK: If I can jump on what you were saying, I  
20 thought we were going to hear from Staff some draft or idea  
21 of how we were going to begin the whole process of bed  
22 buying.

23 MR. PHILLIPPE: Oh.

24 MR. PICK: That is where you are going.

1 MS. CREDILLE: Something was supposed to happen  
2 related to --

3 MS. BURMAN: I don't want to make a problem, but I  
4 don't believe there was a vote on that to go forward with  
5 making rules. I don't think we have a formal consensus  
6 that we can document. And if the group wants to do that,  
7 then that would be necessary.

8 MS. CREDILLE: I don't know, January, I am thinking,  
9 that we requested that members from, I want to say it was  
10 LSN, IHCA --

11 MR. PHILLIPPE: We did that.

12 CHAIRMAN WAXMAN: We did that.

13 MR. PHILLIPPE: Last meeting?

14 MS. AVERY: In April.

15 MS. CREDILLE: Okay.

16 MR. PICK: It happened.

17 MS. CREDILLE: Okay. And then -- but the next piece  
18 didn't, right? Or there was no next piece?

19 CHAIRMAN WAXMAN: I am not sure. I thought the  
20 purpose of them coming to the meeting was to help this  
21 committee understand why the legislation was written the  
22 way it was, and what they remembered about that process.  
23 And LSN and --

24 MR. PICK: The council --

1 CHAIRMAN WAXMAN: And the council --

2 MR. PICK: -- and health care.

3 CHAIRMAN WAXMAN: -- all came and gave their  
4 recollections of why it didn't have the elements that we  
5 were looking for and, basically, their answer was, there  
6 was no consensus. Right?

7 MR. SPEAKS: Correct.

8 MR. PHILLIPPE: What I heard, if I can correct just a  
9 little bit. Seemed like to me -- because when I would say  
10 that, people would correct me and say, there was a  
11 consensus in general. There wasn't a consensus that was  
12 concrete and specific that could be used.

13 MR. PICK: If I may, the consensus was that the  
14 concept of bed buying was a good one. But when we started  
15 getting into how to do it, the legislative committee said  
16 it was requiring way too much detail and, therefore, they  
17 deferred back to the industry to come up with something.  
18 That is where it was left. And we are now the body to come  
19 up with something.

20 CHAIRMAN WAXMAN: So --

21 MR. PHILLIPPE: That is right.

22 MR. PICK: Is that right? That is where we are.

23 MR. PHILLIPPE: I think so.

24 CHAIRMAN WAXMAN: We did get the presentations from

1 the three groups.

2 MR. PICK: Sorry, if I may.

3 So I think the other piece of that was, Staff also  
4 did research to present the models that were identified  
5 that other states were following, helped edify all of us,  
6 and then -- and I think that is where we -- that is where  
7 we got to. And then we thought with the next step, what  
8 would be appropriate, is for the Staff to come up with some  
9 approach or recommendation of how we as a group would  
10 consider moving forward.

11 But what I am hearing Claire saying is, you need a  
12 formal -- some formal adoption.

13 MS. BURMAN: I don't remember there being a vote --

14 MR. PICK: There wasn't. There wasn't.

15 MS. BURMAN: -- saying, yes, we want to go forward  
16 and having rules for this action.

17 MR. PHILLIPPE: We also identified some of the major  
18 issues out there. It was in writing. We identified -- a  
19 few people wrote about it. So you identify the major  
20 themes that you have to make decisions around and,  
21 personally, I think that is rather complicated and there is  
22 a lot -- devil is really in the detail here.

23 CHAIRMAN WAXMAN: Right.

24 MR. PHILLIPPE: And I don't know if it is fair to

1 delegate it to the Staff to say, you will write a plan  
2 without some general kind of guidance from the committee on  
3 some parameters and then to let them with this guidance on  
4 the parameters then create the specific plan. Does that  
5 make sense?

6 MR. PICK: Here is my takeaway on it. And that is,  
7 in reviewing what other states had, what I heard in our  
8 discussion was that the State of Washington and, I forgot  
9 which the other one was that had a very progressive model  
10 that incorporated community-based services in their  
11 orientation of how to -- oh, Missouri. It was Washington  
12 and Missouri that had a fairly advanced model of how they  
13 developed the system for the buying and transferring of  
14 beds. And we also talked about how other states had run  
15 into some issues based upon your conversations.

16 MR. PHILLIPPE: We did.

17 MR. PICK: Michigan and some of the others would  
18 caution -- and New Jersey -- would caution about things  
19 that we make sure we don't do that they did.

20 MR. PHILLIPPE: That is true.

21 MR. PICK: So my takeaway of that was, given the  
22 level of research that was done by Claire, for the most  
23 part, and our discussions about our receptiveness to move  
24 forward with some conceptual discussion of how to begin

1 approaching this, that, logically, the next step would be  
2 some kind of a draft that we would start to look at to  
3 review and discuss. But now I am understanding that what  
4 is needed is some formal action by us as a group to charge  
5 the Staff to do that. Is that right?

6 MS. BURMAN: Yeah, I would feel more comfortable.

7 MR. PICK: Maybe that is what we need to do at our  
8 next meeting, another action item for when we have a  
9 quorum.

10 MS. BURMAN: Yeah. I think that, of course, is a  
11 simple thing to do. But what Tim has brought up is a very  
12 valid point because there are so many different little  
13 options along the way with any of it. We could be a very  
14 long time looking at multiple drafts, you know. Whatever  
15 we think, we Staff --

16 MR. PICK: Like our application?

17 (Laughter).

18 MS. BURMAN: No, that is the rules. That is a whole  
19 other thing.

20 MR. PICK: I'm joking.

21 MS. BURMAN: But you know what I mean. It was  
22 difficult for your group to really agree on everything and,  
23 if we can even just get a starting point where we can say,  
24 well, it could be this or this for that part.

1 MR. PICK: Okay.

2 CHAIRMAN WAXMAN: Teri.

3 MS. DEDERER: Would it be possible, since she said  
4 there is a bunch of options, to put together, I mean, a  
5 document or a verbal presentation that says, here is the  
6 category and here are the options and go through it like  
7 that so that the committee can discuss and say, our  
8 consensus is, we like this option, and go forward in that  
9 way in a very structured way so that we can get through the  
10 detail and have votes along the way so we are done? I  
11 mean, the discussion is ended. So we are not still arguing  
12 about what is the bed-buying formula.

13 MR. PICK: I like the concept of done.

14 MS. DEDERER: What?

15 MR. PICK: I said, I like the concept of done.

16 MR. PHILLIPPE: I agree. I think that is a good  
17 idea, too. It is complicated.

18 CHAIRMAN WAXMAN: Very complicated.

19 MR. PHILLIPPE: That the associations had  
20 representatives that met regularly, at least monthly, for  
21 two years or more, and even the group, those groups,  
22 couldn't come to a detailed concrete. So I like the idea  
23 of what both of you suggested is to not task -- Claire  
24 probably will be the one because you are the one who has

1 done the most research -- is to identify the issues under  
2 each of the major kind of decision points and then provide  
3 the options. And then I think some recommendation on what  
4 makes the most sense for Illinois because our state is  
5 different.

6 CHAIRMAN WAXMAN: I think if the process was easy,  
7 then we would have one law in 50 states. So obviously, we  
8 have 50 variations, which indicates that people can't agree  
9 in 49 states. So God only knows what Illinois is going to  
10 do with it. So --

11 MS. DEDERER: But he is right. We are different from  
12 other states.

13 CHAIRMAN WAXMAN: Oh, yeah.

14 MS. DEDERER: Some of the lack of agreement is  
15 because one size doesn't fit all.

16 CHAIRMAN WAXMAN: My question then is --

17 MR. PICK: Wait, what is our consensus, then?

18 CHAIRMAN WAXMAN: Wait a minute. When you have item  
19 number 8, bed transfer update, what were you thinking in  
20 terms of today's meeting and have we already done it?

21 MS. AVERY: We have done it.

22 CHAIRMAN WAXMAN: Okay.

23 MS. AVERY: I was thinking kind of this discussion  
24 that has taken place. Was there anything that Tim wanted

1 us to look at further; how are we going forth with it; what  
2 do we need to do.

3 CHAIRMAN WAXMAN: So the takeaway then is that we  
4 will have Staff prepare a document or at least a  
5 presentation that will take major items with options and  
6 then we can pick and choose like a Chinese menu kind of  
7 thing.

8 MR. PICK: Perfect.

9 MS. DEDERER: It might take multiple meetings to get  
10 through all of the options. And if it is that complicated,  
11 we are probably not going to get through the whole thing on  
12 bed buying in one meeting.

13 MR. PICK: We will stay focused on the goal as you  
14 articulated it, done.

15 (Laughter).

16 MS. DEDERER: Done.

17 CHAIRMAN WAXMAN: All right. So then we are back to  
18 item 7, Legislative Updates. And whose topic -- your  
19 topic?

20 MS. KENDRICK: That will be me.

21 CHAIRMAN WAXMAN: Okay.

22 MR. PICK: Okay.

23 MS. KENDRICK: So probably the most relevant bill for  
24 the subcommittee is Senate Bill 3614. This has passed both

1 of the Houses. We are waiting on the Governor's signature.  
2 So the final language from this bill is -- it is a new  
3 sentence in our Statute. It says, "The subcommittee shall  
4 evaluate and make recommendations to the State Board  
5 regarding the buying, selling, and exchange of beds between  
6 long-term care facilities within a specified geographic  
7 area or drive time". So the language hasn't changed since  
8 the last meeting we had. We are just waiting on the  
9 Governor's signature at this point. So that gives this  
10 committee authority to talk about the buying and selling of  
11 beds.

12 CHAIRMAN WAXMAN: Anything else?

13 MS. KENDRICK: House Bill 4563, which was Mike Bibo's  
14 initiative --

15 MR. BIBO: The senator's initiative.

16 MS. KENDRICK: Sorry.

17 CHAIRMAN WAXMAN: Mike, take credit.

18 MS. KENDRICK: Embodied by Mike Bibo, also passed  
19 both of the Houses unanimously. It is also awaiting the  
20 Governor's signature. So, the final language of that bill  
21 hasn't changed since our last meeting. It also says  
22 that -- it allows for ID/DD facilities to reduce the number  
23 of beds without approval from the Board. The Board Staff  
24 has to work with them to develop an annual survey more

1 applicable to those facilities. And these facilities must  
2 report to DHS when a facility closes or reduces their  
3 beds.

4 Another thing to maybe note, there was a bill that  
5 was introduced to remove IDVA facilities from under the  
6 Board's jurisdiction. IDVA-run facilities are licensed  
7 under the Nursing Home Care Act. So that bill did not make  
8 it out of session this time. It is our understanding that  
9 that bill will come back before or during veto session in a  
10 different form.

11 MR. PICK: Can you edify me as to what IDVA stands  
12 for?

13 MS. KENDRICK: Sorry. Illinois Department of  
14 Veterans Affairs.

15 MR. PICK: So VA stands for Veterans Affairs.

16 MS. DEDERER: Oh, VA.

17 MS. KENDRICK: VA.

18 So they had some traction this last session and they  
19 are going to try again. So --

20 MR. PICK: If I may, going back to the bill that the  
21 senator sponsored, Mike, can you educate us on what the  
22 next steps are in regards to the coordination of  
23 communication and how the changes in bed count is going to  
24 get reported and how the modification of the survey process

1 is going to go forward?

2 MR. BIBO: To be honest, the intent was much bigger  
3 than what we ended up agreeing to. The intent was, as I  
4 said since when I was on this Board, that I don't believe  
5 the Planning Board has an understanding and can come up  
6 with a meaningful bed-need inventory anyway since there is  
7 only 6,300 individuals with intellectual disabilities that  
8 the State -- that Health Facilities and Services Review  
9 Board has any say over, that being the 6,300 living in  
10 community-based ICFDD's and skilled pediatric facilities,  
11 under 22. There are over nine thousand people residing in  
12 adult CILA's in this state for which DHS just goes out and  
13 says, you know, based on a waiting list, yes, you have, you  
14 know, just go ahead and do it.

15 Now we have a class action lawsuit that was settled  
16 June 15 of 2011, called Ligas, for which the State has  
17 other mandates on them to a thousand people that aren't  
18 getting services today have to be served by June 15, 2013.  
19 And then there is five hundred a year for the next four  
20 years after that.

21 You have people who are moving from ICFDD's. Anyone  
22 who wants to move from an ICFDD of nine bed or greater can  
23 move into a CILA under that same -- so my point was, that I  
24 don't really know how the Planning Board has a bed-need

1 issue anyway.

2           So originally, the bill was intended to remove DD --  
3 IDD facilities from the Planning Board and to give it the  
4 direction of DHS, was the original intent. And that was  
5 the language I submitted to LRB. The problem was, I gave  
6 it to LRB. It was sort of -- they were fast and furious  
7 doing things. They omitted the language that said DHS  
8 would have anything to do with it. And by the time we are  
9 sitting there before committee, sitting there, being able  
10 bring up this question, I am going no, no, no. DHS has to  
11 say, just like now for a specialized facility, you have to  
12 get both DHS's and HFS's recommendation for approval. It  
13 was just going to be something along that nature. It found  
14 that it didn't have it.

15           So through meetings with Courtney and Alexis and  
16 other people, we said, fine, we will leave it. We want to  
17 fix the downsizing because, in downsizing, it will probably  
18 change so much. If you downsize so much, you are supposed  
19 to go to the Planning Board for all of that. That creates  
20 a problem when, in a 16-bed facility, one or two people  
21 leaving under Ligas Consent Decree, creates other problems.

22           So we came to the conclusion that, fine, downsizing,  
23 the Board wouldn't have anything to do with it. If we  
24 wanted to develop or implement a new facility, we would.

1 We would notify if there is a change of or total closure,  
2 that type of thing, and that we would develop a separate  
3 questionnaire. The questionnaire that the small ICFDD  
4 facilities have to fill out is the same one that everyone  
5 else has to fill out and it is not really population  
6 specific. And so the intent was to go forward with that.

7 This bill hasn't even been sent to the Governor yet.  
8 And we don't anticipate a problem, but it hasn't even been  
9 sent there yet. And once it is signed, I am sure we are  
10 going to have to start sitting down and talking about that,  
11 and that would be -- I believe, a lot of that would still  
12 be the purview of this subcommittee with input from people  
13 that aren't members of this subcommittee, I mean, if there  
14 is not much DD input to this subcommittee.

15 MR. PICK: Well, since you left, there isn't any.

16 (Laughter)

17 CHAIRMAN WAXMAN: We have an open position, Mike.  
18 Would you consider coming back to the group.

19 MR. BIBO: Oh, yeah, this meeting has gone so well,  
20 it is just really enticing me.

21 (Laughter)

22 MS. AVERY: I am not sure it needs to come back for  
23 the surveys, Mike. We will have to look into that.

24 MR. BIBO: It may not have to. Anything -- it may

1 not have to. There are some things that would have to come  
2 back to this, but it is still under the purview of  
3 long-term care.

4 MS. AVERY: Right. But what we typically do with our  
5 surveys, is that, when the industry wants to make changes,  
6 they just work with Staff.

7 MR. BIBO: Okay.

8 MS. AVERY: And we figure out if that is data that we  
9 could possibly collect, say yes or no, or come to a  
10 compromise.

11 MR. BIBO: Courtney has been great to work with in  
12 this entire thing. I am sure we will figure it out.

13 MR. PICK: I think it would be helpful for me,  
14 personally, but also I think for the group, is to get a  
15 better understanding on what are the -- what are now the  
16 issues -- what are the issues that remain and what are now  
17 the issues, given that this legislation has been passed --  
18 has passed and we are expecting the Governor to sign,  
19 because if I am asked to provide some input, I would like  
20 to be educated on, you know, what are the issues and how  
21 the decisions or recommendations that we would make would  
22 impact, you know, actions moving forward.

23 MR. BIBO: And basically, it is -- you know, I mean,  
24 whether it be nursing homes or DD, both have rebalancing

1 issues going on in the administration. The DD is more  
2 directed and more known what that rebalancing means. I  
3 mean, just as I said, the Governor's office has indicated  
4 they don't want anyone moving from an SODC to an ICFDD,  
5 State Operated Developmental Center. You know, and so I  
6 mean, the rebalancing is efforts that affect the DD  
7 population greatly and we are going to have to see where  
8 that goes. So we just decided to sort of streamline,  
9 remove some barriers that any current rule might  
10 accidentally create in coming to the rebalancing the State  
11 desires. I mean --

12 MR. PICK: Okay. Again, as I said, I think as the  
13 specific issues -- I mean, you have certainly given us a  
14 review of the overview and, you know, the general kinds of  
15 issues. But the specific issues that are being flushed  
16 out, I think it would be helpful for us to understand the  
17 impact and the dynamics that are occurring as a result of  
18 those issues and how we can recommend to the Planning Board  
19 appropriate actions.

20 MR. BIBO: Appreciate it.

21 CHAIRMAN WAXMAN: Any other legislative updates?

22 MS. KENDRICK: That is it.

23 CHAIRMAN WAXMAN: Okay. Any other business?

24 MS. DEDERER: Looks like we are going to be done.

1 MR. PICK: Well, it did say lunch on our own.

2 (Laughter)

3 MS. AVERY: Brown bag.

4 CHAIRMAN WAXMAN: We need to establish a date for the  
5 next meeting.

6 MS. DEDERER: I was going to say, we can't adjourn.

7 MR. PICK: Since we never went into session, we don't  
8 have to adjourn.

9 CHAIRMAN WAXMAN: We are in continuance. We need to  
10 establish a date. There is not one on -- already on the  
11 calendar?

12 MS. AVERY: No. I don't think there -- was there one  
13 on that -- did we run out at the end of the fiscal year?

14 MR. CONSTANTINO: Yes.

15 MS. AVERY: Okay. This is the end of the fiscal  
16 year.

17 CHAIRMAN WAXMAN: Okay. So, two months from now is  
18 in August. So we need a meeting in the month of August.

19 MS. DEDERER: What kind of meeting will that be?

20 CHAIRMAN WAXMAN: I am sorry?

21 MS. DEDERER: Is that going to be in person?

22 CHAIRMAN WAXMAN: I think the agenda is so packed  
23 that I think we would get more done if it is.

24 MS. DEDERER: You are right.

1 MR. PICK: So it will be in August?

2 CHAIRMAN WAXMAN: It will be in August. We have been  
3 meeting on Tuesdays.

4 MR. PHILLIPPE: U-huh.

5 MR. PICK: U-huh.

6 CHAIRMAN WAXMAN: So the 14th or the 21st.

7 MR. LOWITZKI: There is an aging meeting on the 21st,  
8 so the 14th would be better.

9 CHAIRMAN WAXMAN: 14th would be better.

10 Courtney?

11 MS. AVERY: Fine with us.

12 CHAIRMAN WAXMAN: Anybody else have any objection to  
13 the 14th.

14 Okay. So the 14th will be our next meeting.

15 MS. DEDERER: You will let us know where?

16 CHAIRMAN WAXMAN: Yes. I am saying yes for  
17 Courtney.

18 MS. AVERY: If it was a better setup, does this work  
19 or should we look at other facilities. You know what, it  
20 may not even work because I think they will be back in  
21 session, school classes. Let me scratch that.

22 CHAIRMAN WAXMAN: I mean, location was fine. This  
23 room, we made it work. I think not having access to a  
24 lunch, you know -- I think the agenda is going to be so

1 full, that I don't think we would be able to complete it  
2 this fast.

3 MS. AVERY: We will be back into a few fiscal year so  
4 it shouldn't be an issue. We can go back to Bolingbrook.  
5 I will see if it is available.

6 CHAIRMAN WAXMAN: Okay. Why do we not -- let's plan  
7 some more meetings, if we can, so that people can get them  
8 on their calendar.

9 Two months after August would be October. So if we  
10 are following kind of sequence, we would then be looking  
11 at, like, October 16th.

12 MR. LOWITZKI: I have got that same aging meeting  
13 that Tuesday.

14 MR. PICK: I have them on the following Monday.

15 MR. LOWITZKI: I have got CBAC, Community-Based  
16 Advisory Council.

17 CHAIRMAN WAXMAN: So is the 23rd or 9th?

18 MS. DEDERER: I thought you said the 14th.

19 MS. CREDILLE: We are in October now.

20 MR. PHILLIPPE: 9th would be better for me. I am  
21 gone the week of the 23rd.

22 CHAIRMAN WAXMAN: 9th of October?

23 MR. PICK: That works.

24 CHAIRMAN WAXMAN: Okay. So then one more. Should we

1 do December or should we skip December for holidays?

2 People's choice?

3 MS. AVERY: If it is early enough, it may be okay.

4 CHAIRMAN WAXMAN: The 11th?

5 MS. AVERY: We have a Board meeting on the 10th.

6 CHAIRMAN WAXMAN: That is not my problem.

7 MR. PICK: The 4th?

8 MR. LOWITZKI: Could we do that one in Springfield?

9 Veto session is that week. It would be a lot easier for me  
10 to be there.

11 MR. PHILLIPPE: Could you do the 3rd?

12 CHAIRMAN WAXMAN: I am sorry, which week are you  
13 talking about?

14 MR. LOWITZKI: 4th, 5th and 6th is veto session.

15 MS. AVERY: Of December?

16 CHAIRMAN WAXMAN: Okay.

17 MS. DEDERER: How about the week of the 11th?

18 CHAIRMAN WAXMAN: Somebody had a problem with the  
19 11th.

20 MR. CONSTANTINO: Board has a meeting.

21 CHAIRMAN WAXMAN: Okay. 18th is too close to the  
22 holidays.

23 MR. PHILLIPPE: I think so, probably.

24 CHAIRMAN WAXMAN: Should we skip December?

1 MR. BIBO: Well, do you want to do maybe the last  
2 week of November.

3 CHAIRMAN WAXMAN: 27th of November?

4 MR. LOWITZKI: Veto session would be a problem with  
5 me, those two weeks. It is the last week of November and  
6 the first week of December. I can do Monday. They are not  
7 in on Monday.

8 MS. CREDILLE: Which day is Thanksgiving?

9 MS. AVERY: The 29th.

10 MS. CREDILLE: That would be right before  
11 Thanksgiving.

12 MR. PICK: That is too close to Thanksgiving. Why  
13 don't we do the 3rd? December 3rd?

14 MR. LOWITZKI: Monday is fine.

15 CHAIRMAN WAXMAN: December 3rd?

16 MS. AVERY: December 3rd.

17 MS. DEDERER: Okay.

18 MR. PICK: Okay.

19 MS. AVERY: I will put those dates out there for the  
20 next in-person meeting and the schedule.

21 CHAIRMAN WAXMAN: Okay.

22 MR. PICK: Okay.

23 MS. CREDILLE: Can I just clarify one more thing?

24 Sorry. So we have to have a quorum, though, to vote for

1 Claire to work on the project that we are talking about?

2 CHAIRMAN WAXMAN: Correct.

3 MS. CREDILLE: Right? So it is not going to be on  
4 the agenda in August because we can't vote until August for  
5 her to put together --

6 MR. PICK: Why don't we add it to the conference  
7 call?

8 CHAIRMAN WAXMAN: That is my suggestion. Let's put  
9 it on the conference call.

10 MR. LOWITZKI: Do we have to have a vote to ask a  
11 Staff to do something?

12 CHAIRMAN WAXMAN: Claire seemed to think she needed a  
13 vote for her to do something.

14 MS. AVERY: I don't think you do, Claire.

15 MR. LOWITZKI: Wouldn't seem to me like we would need  
16 to do an official motion. We could say --

17 MS. AVERY: Say committee has requested that Staff  
18 does X, Y, and Z.

19 MR. LOWITZKI: Yeah.

20 CHAIRMAN WAXMAN: Claire, is there a reason why you  
21 wanted an official vote? Do you feel like you need --

22 MS. BURMAN: Well, what if for some reason it goes  
23 kafluie?

24 MS. AVERY: What if what?

1 MS. DEDERER: It could go kafluie for any reason.

2 CHAIRMAN WAXMAN: I am not -- I guess my real  
3 question --

4 MS. AVERY: What was your --

5 MR. PICK: She said, what if it goes kafluie.

6 MS. CREDILLE: Put that in the minutes.

7 MS. BURMAN: It is a lot of effort.

8 CHAIRMAN WAXMAN: There isn't anyone on this  
9 committee who doesn't want you to go forward. That has  
10 been the point from day one.

11 MR. PICK: We know bed buying is going to happen one  
12 way or the other.

13 MS. BURMAN: That wasn't always the case.

14 CHAIRMAN WAXMAN: If you have a fear --

15 MS. BURMAN: That is fine I will put something  
16 together.

17 CHAIRMAN WAXMAN: I mean, I don't want you to be  
18 uncomfortable. If you have a fear of something that is  
19 going to put you in jeopardy, then we will fix it. But on  
20 the other hand, why don't you go forward and we will pass  
21 the motion --

22 MR. PICK: On the conference call.

23 CHAIRMAN WAXMAN: On the conference call or at the  
24 meeting.

1 MR. PICK: No problem.

2 CHAIRMAN WAXMAN: After the fact. But if you need  
3 that protection for your personal comfort level, we will do  
4 it.

5 MS. BURMAN: This for the August meeting?

6 MR. PICK: Yes.

7 CHAIRMAN WAXMAN: Yes.

8 MS. BURMAN: Okay.

9 MR. PICK: Okay.

10 CHAIRMAN WAXMAN: Unofficially, the meeting is over.

11

12 END TIME: 11:52 a.m.

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CERTIFICATE OF REPORTER

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JOYCE LAWRENCE

RPR, CSR-IL, CCR-MO

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