



FOR IMMEDIATE RELEASE

**East Central Regional Human Rights Authority
ResCare/Community Alternatives Illinois
Report of Findings
Case # 18-060-9004**

Case summary: The HRA substantiated the allegations that the guardian is not receiving financial statements. The HRA did not substantiate the allegation that the consumers have to request larger amounts of money 1 week prior to when they need it. The provider was required to respond to the report and elected to have the response made public. The response can be found at the end of the report.

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of ResCare/Community Alternatives Illinois after receiving the following complaints of possible rights violations:

Complaints:

- 1. The guardian is not receiving financial statements.**
- 2. Consumers have to request larger amounts of money 1 week prior to when they need it.**

If the allegations are substantiated, they would violate protections under the Mental Health and Disabilities Code, Standards and Licensure Requirements for CILAs, and the CILA Licensure and Administrative Act.

Investigation

The HRA proceeded with the investigation after having received written authorization from the guardians of multiple consumers residing at the CILA in Kankakee, IL. To pursue the matter, the HRA visited the facility and the program representatives were interviewed. Relevant practices, policies and sections of the consumer's record were reviewed.

Interviews:

On January 10, 2018 at 2:00pm, the HRA met with ResCare staff members, including the Program Operations Manager and the Qualified Intellectual Disabilities Professional (Q) for the Kankakee site. The meeting occurred at 215 N Convent St Bourbonnais, IL 60914. The interview began with introductions, a review of HRA procedures, and a review of the allegations being addressed in this investigation.

The staff provided some general information about ResCare/Community Alternatives Illinois. ResCare is a corporation overseeing disability homes nationwide. The Illinois division of ResCare is called Community Alternatives Illinois (CAI). CAI has Community Integrated Living Arrangements (CILAs) all over the state. Staff also noted that there has been a recent name change for CAI and significant administrative staff changes in the last 6 months.

CAI staff stated that everyone including the Q at the CILA, program manager, and corporate accounting staff assist with assuring that consumers' finances are managed properly. The consumer (and guardian when applicable) are given a "welcome handbook" at admission that explains how finances are managed and allows the consumer and guardian to specify preferences and budgeting. The consumers in the Kankakee CILA each have a guardian who determines how the money is accessed and spent. All guardian preferences are put in the consumer's or consumers' service plans. Staff report that, while the consumers have access to balances and can make purchases within their financial plan, they are not involved in any of their own fiscal management. Some consumers are allowed to keep their funds on their person, other consumers' cash is managed by the Q and documented via receipts and communication logs. These preapproved stipends show up on the financial statements as "spending money" and/or "outing" depending on the consumer. When a change in funds (or additional money for the month) is requested the Q fills out a form and gives it to the program manager. The program manager fills out a Resident Fund Management Service (RFMS) check request and then a withdrawal request is sent to the corporate office in Tilton, IL. Corporate is responsible for dispatching the check to the local CAI office. With the recent change in administration there were some access issues that caused the staff to have to drive several hours to pick up a check. This did not result in any delayed disbursements to consumers and the staff believe that this issue has been resolved. In addition to prearranged stipends, each CILA has a "trust fund card" that they can use for instant access to money for a consumer. In those cases, the consumer requests the money from the Q and, if they have funds available in their account, the Q will get cash from the card and then complete a "cost transfer" form. These items show up on the consumer's financial statements as "pcard".

Statements are provided quarterly, however, a statement or balance can be provided to the consumer and/or guardian at any time by the Programs Operations Manager (the new management is trying to give access to the Q for faster service, however, these permissions were not available at the time of the complaint or the time of interview). The staff reported that statements are sent quarterly to the guardian(s) for this complaint but the only signature verifications that could be located were for the July/Aug/Sept quarter. CAI does not offer any financial management classes to the consumers in the CILA because none of the consumers have access to their money through a local bank account. All money is given to the consumers in cash since many of the consumers have no way to cash a check or money order.

Staff report that all financial transactions are documented. Check request forms, statements, receipts, and logs are kept for all finances (except for the consumers who have been approved to manage their own weekly/monthly stipends). Most documentation is viewed through the quarterly statements. The new director stated that she has started keeping track of money requests on a tracking form so that statement purchases and requests can be broken down (i.e. instead of stating that the consumer received funds for "outing" the new tracking for the region

will be able to answer what the money was specifically for). This information would only be provided as requested and the statements would appear the same.

In respect to the consumers listed in this complaint, each of them has a guardian who dictates their finances. Each consumer has his/her own account through the corporate offices. Most of them receive a weekly stipend every Friday and have accessed additional money through the pcard in the last few months. Since the administrative staff are new, they are unaware of any problems that occurred prior to their arrival. The Q overseeing the Kankakee CILA is not new to her position and stated that she was unaware of any consumers not getting funds as needed. No formal grievances are on file for the last year.

Records Reviewed:

2017 Resident Fund Management Statements for 6 consumers and individual trust fund account statement acknowledgements for all 6 consumers dated October 2017 and signed by the guardians that they received them were requested but could not be located.

The RFMS Check Request Form for all 6 consumers dated 1/3/18 were reviewed by the HRA. The forms are completed by the Program Manager and say that the program manager is responsible for providing receipts for the purchases within 7 days. The dollar amount requested is different for each consumer and has a breakdown of what the money will be used for. The program manager also provided a spreadsheet that she has created so that the HRA was able to see how the breakdown of purchases listed on the RFMS are being monitored. Items that are tracked on the spreadsheet are consumer, payment amount, description (of expenses), paid to the order of, and memo/account (which appears to have the same information as the description section). January 2018 Resident Fund Management Statements were also requested. The RFMS states that the funds requested on 1/3/18 were withdrawn on 1/4/18 (these withdraws show as "outing" on all of the consumers' statements).

Emails from corporate office to the Programs Operations Manager break down the process for funds requests and verify that the new staff now have full access to banking abilities for their roles. While this documentation does not verify that this process was occurring properly at the time of the complaint in September 2017, it does demonstrate that the current administration now has the ability to access and execute the financial CIA financial management process.

A copy of the welcome handbook was provided to the HRA, however, staff stated that the handbook is not currently being used in this region. The Director anticipates that the handbook will be provided to all new consumers starting 2/1/2018. The handbook has two sections that mention finances. The first section is titled, "Freedom of Economic Choices: and explains that the consumer has the right to an allowance of \$60 per month, that the consumer and guardian will decide on the appropriate choices and opportunities for the spending money, and that they have the right to receive statements as well as know the balance on their accounts at any time. This section also states, "If you are requesting additional money for clothing, shoes, personal items, you have the right to ask your team to help you in obtaining the funds for your requested

items”. The second section of the handbook pertaining to finances is titled “Services Provided, Payment/Liability” this section informs the consumer of their ability to make CAI their payee.

The Office of State Guardian provided the HRA with RFMS banking statements dated 1/1/2017 through 8/31/2017 printed in September 2017.

Conclusions

Conclusions

Complaint 1. The guardian is not receiving financial statements.

The CILA Licensure and Certification Act (210 Ill. Comp. Stat. Ann. 135/9.1(3)) states the provider “shall provide, in order of priority, each recipient, or the recipient's guardian, if any, or the recipient's immediate family member, if any, with a written itemized statement of all financial transactions involving the recipient's funds or a copy of the recipient's checking or savings account register for the period. This information shall be provided at least quarterly”. The Community Alternatives Illinois Individual Finance Management Policy and Practices specifies that “a quarterly statement of trust fund account activity is provided to the individual and/or legal representative”. The welcome handbook states that the consumer and guardian have the right to statements but does not specify how often they will be provided or explain the process of signing a document to verify that the statement has been received. CAI staff reported that trust fund statements are sent to guardians quarterly and signature verifications are obtained from the consumer/guardian acknowledging receipt of the statements. CAI staff could not locate any signatures for trust fund statements for 2017 prior to October 2017.

Standards and Licensure Requirements for CILAs (Admin. Code tit. 59, § 115.590 (a11)) states that “all independent contractors or caregivers shall provide services in compliance with a contract or signed agreement made with the provider agency. The contract or signed agreement shall include, at a minimum, the following provisions: ...11) How documentation of the individual's financial resources will occur”. The Community Alternatives Illinois Individual Finance Management Policy and Practices states “Separate electronic financial ledgers are maintained for each individual that provides detail of all deposits and withdrawals, and indicates the current balance of each individual’s funds”. 2017 bank statements provided for the consumers in this complaint demonstrate that prior to October 2017 very few purchases were being made using the CILA’s debit card (listed as pcard on the statements). After October 2017 statements reflect that most of the consumers are utilizing access to their funds via the debit card for both small and large purchases (prior to that only one pcard transaction was listed on any of the consumer’s accounts). The statements show that money has been withdrawn, however, a majority of the transactions are listed as “outings” regardless of how the money is being utilized.

After completing the interviews, records reviews and assessing applicable mandates, there is evidence to support the complaint. While CAI does have a written policy that states that trust fund statements will be provided quarterly, no signature verifications could be located to verify that statements had been received for 2017 prior to October. When statements are being provided, the explanations for purchases are generic and do not meet the requirement of “itemized statement of all financial transactions” so that the guardian has a clear picture of how the consumer’s resources are being spent. The director provided the HRA an example

spreadsheet for January RFMS tracking that she was in the process of developing but there is no process to assure that the guardian is aware of what the money is being used for.

Based on the findings above the East Central Human Rights Authority concludes that the consumers' rights were violated and, therefore, the complaint is substantiated. The Human Rights Authority recommends the following:

1. Community Alternative Illinois provide Quarterly statements to all consumers and/or guardians per 210 Ill. Comp. Stat. Ann. 135/9.1(3).
2. Community Alternative Illinois work with the ResCare Corporate offices to assure that the guardian is receiving an accurate itemized transaction description per Admin. Code tit. 59, § 115.590 (a11)).

Complaint 2. Consumers have to request larger amounts of money 1 week prior to when they need it.

The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-105) states "A recipient of services may use his money as he chooses". CAI's Individual Finance Management Policy and Practices explains the process of requesting and dispersing money to consumers (although, there are no timeframes listed on the policy). The policy also states that consent and approval is obtained from the individual and/or legal representative of each individual regarding the use of his or her respective funds for requests over \$100 unless notified otherwise. Staff reiterated the procedure during the interview and stated that consumers and guardians are given a welcome handbook when entering the CILA, however, the welcome handbook explains that the consumer has the right to \$60 a month but does not explain the process of obtaining the money and was not being provided to consumers prior to 2/1/18. CAI processes assure that money can be available immediately with use of the CILA debit card or a request can be made and filled overnight (provided that the authorization can be obtained from the guardian for amounts over \$100).

After completing the interviews, records reviews, and assessing applicable mandates, there is limited evidence to support that CAI has violated the consumer's rights. While there is no way to ascertain how the previous administration was addressing financial requests, there are no records indicating that money requested was delayed for a week (even in smaller amounts of less than \$100). Trust Fund statements show that money has been dispersed to consumers on both a regular basis (listed as outings) and for items that fall outside of normal spending expenses (pcard charges).

Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were not violated and, therefore, the complaint is unsubstantiated. The Human Rights Authority would like to make the following suggestions:

1. Community Alternative Illinois devise a way to notify consumers and/or guardians of the different ways to gain access to their trust fund account money. Consumers and/or guardians should understand how money can be obtained, including spending money given at regular timeframes in predetermined amounts, additional money requests, and

- emergency needs. Consumers/guardians should also be aware of any limits or timeframes involved in obtaining access to these monies.
2. Under the Code, “A recipient may deposit or cause to be deposited money in his name with a service provider *or financial institution* with the approval of the provider or financial institution. Money deposited with a service provider shall not be retained by the service provider. Any earnings attributable to a recipient's money shall accrue to him.” (405 ILCS 5/2-105). The HRA advocates for true community integration including opportunities for consumers to have bank accounts where they reside that will promote unimpeded access and more chances for personal interactions other people. CAI should consider exploring the idea with residents, guardian and families.
 3. The HRA suggests that CAI consider, with guardian input where appropriate, financial management classes and goals for consumers. Some consumers receive weekly stipends that they manage and some may have some interest and/or ability to participate in money management or at least in part of the process. Such goals could assist with stipend management, identifying purchases or purchase goals, participating in all or part of the financial management process as part of community integration, etc.

The HRA would like to thank the Community Alternatives Illinois staff for their cooperation with this investigation.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

Community Alternatives Illinois Response to HRA Case No. 18-060-9004

Complaint #1 – The guardian is not receiving financial statements. - Substantiated

Recommendation:

1. Community Alternative Illinois provide Quarterly statements to all consumers and/or guardians per 210 Ill. Comp. Stat. Ann 135/9.1(3).

2. Community Alternative Illinois work with the ResCare Corporate offices to assure that the guardian is receiving an accurate itemized transaction description per Admin tit 59, 115.590 (a11)).

Response:

1. The agency will provide quarterly statements to all consumers and/or guardians, and maintain signed receipts of the statements from consumers and/or guardians if they are returned to the agency.

2. The agency asserts that the HRA has incorrectly cited Admin tit 59, 115.590 as applicable to this complaint. Admin tit 59, 115.590 applies to elements of a contract between the agency and a contracted Host Home Provider. No individual's receiving services in the Community Alternative Illinois's Kankakee programs receive Host Home services; therefore, the rule is irrelevant to this complaint. The agency believes that it is compliant with 210 Ill. Comp. Stat Ann 135/9.1(5 and 8), and is the applicable regulation. The facility respectfully requests the HRA to review the two regulations for applicability to the complaint, and find the agency in compliance with the applicable regulation.

(5) Shall keep any funds received from a recipient in an account separate from the service provider's funds for safekeeping, and shall not withdraw all or any part of the recipient's funds unless the service provider is (i) returning the funds to the recipient upon the request of the recipient or any other person entitled to make the request, (ii) paying the recipient his or her allowance, or (iii) making any other payment authorized by the recipient or any other person entitled to make that authorization.

(8) Shall (i) place any monthly allowance that a

recipient is entitled to in the recipient's personal account or give the monthly allowance directly to the recipient, unless the service provider has written authorization from the recipient, the recipient's guardian, or the recipient's parent if the recipient is a minor, to handle the monthly allowance differently, (ii) take all steps necessary to ensure that a monthly allowance that is placed in a recipient's personal account is used exclusively by the recipient or for the recipient's benefit, and (iii) require any person other than the recipient who withdraws funds from the recipient's personal account that constitute any portion of the recipient's monthly allowance to execute an affidavit that the funds will be used exclusively for the benefit of the recipient.

An individual may request their allowance or other money for other expenditures, for example an outing. The purpose will be noted in the ledger such as, weekly spending, monthly allowance, bowling, or outing. The money will be given to the individual, and they will sign a receipt of the funds, which include the amount and date. Individuals are encouraged to keep receipts of individual purchases, and return them to the facility to keep; however, individuals may not be able to obtain a receipt for every purchase, such as vending machines or certain food vendors, or may refuse to obtain receipts. Individuals cannot be denied access to their funds, or the ability to independently spend their money based on their refusal to provide receipts for their individual purchases.

Complaint #2 – Consumers have to request larger amounts of money 1 week prior to when they need it.
- Unsubstantiated.

Suggestions:

1. Community Alternative Illinois devise a way to notify consumers and/or guardians of the different ways to gain access to their trust fund account money. Consumers and/or guardians should understand how money can be obtained, including spending money given at regular timeframes in predetermined amounts, additional money requests, and emergency needs. Consumers/guardians should also be aware of any limits or timeframes involved in obtaining access to these monies.
2. Under the Code, "A recipient may deposit or cause to be deposited money in his name with a service provider or financial institution with the approval of the provider or financial institution. Money deposited with a service provider shall not be retained by the service provider. Any earnings attributable to a recipient's money shall accrue to him." (405 ILCS 5/2-105). The HRA advocates for true community integration including opportunities for consumers to have bank accounts where they reside that will promote unimpeded access and more chances for personal

interactions with other people. CAI should consider exploring the idea with residents, guardians and families.

3. The HRA suggests that CAI consider, with guardian input where appropriate, financial management classes and goals for consumers. Some consumers receive weekly stipends that they manage and some may have some interest and/or ability to participate in money management or at least in part of the process. Such goals could assist with the stipend management, identifying purchases or purchase goals, participating in all or part of the financial management process as part of community integration, etc.

Response:

1. CAI will develop a user-friendly guide to its resident fund management process, and will distribute and educate individuals and guardians on the process.
2. CAI will explore different options for maintaining individual funds to promote maximum integration and independence while maintaining security against fraud and theft.
3. CAI believes in maximizing individuals' integration into their communities, financial independence, and skill development. The agency will explore financial management learning opportunities with the providers of Day Program services.

