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**FOR IMMEDIATE RELEASE**

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HUMAN RIGHTS AUTHORITY-NORTHWEST REGION

REPORT 14-080-9002  
Illinois Growth Enterprises

Case Summary: HRA substantiates the complaint regarding adequate notice specific to the provision of service plans and staffing reports to legal guardians. The program revised policies accordingly and its response follows.

INTRODUCTION

The Human Rights Authority (HRA) of the Guardianship and Advocacy Commission opened an investigation after receiving complaints of possible rights violations at Illinois Growth Enterprises in Loves Park. It was alleged that a client's services were terminated without adequate notice and planning, potentially violating standard practices under policies, the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102) and Department of Human Services' Vocational Rehabilitation Rules (89 Ill. Admin. Code 590, 572, and 530).

Growth provides vocational services to people with disabilities including supported employment. It is managed by Bridgeway, a human service organization headquartered in Galesburg.

The HRA discussed the matter with representatives from Growth and Bridgeway. We also met with administrators from the program's state funding source. Relevant policies were reviewed as were sections of the client's file with authorization from his legal guardian.

SUMMARY

The complaint states that a client and his guardian were told that supported employment services were about to end and they were given no further explanation other than funds run out at eighteen months. Reportedly neither the client nor the guardian was informed of this when services were started and there were no plans in place for transitions or referrals.

FINDINGS

It was explained that the Growth program includes two employment services, one a rapid or short term support to help with job placement and the other an eighteen month term that provides more intensive guidance, through job coaching for example, designed to bring clients to an employable position and ultimately employable independence at minimum wage or higher. Eligibility and referrals are primarily made through the state funding source for this second program and there are fifteen clients currently served including this client. Most of them however, do not have guardians. Once referred to Growth, the employment specialist completes an intake where more specific needs are targeted and vocational goals are set to eventually reach independence.

This particular client's supported employment began in December 2011, which typically means that services would run through June 2013, when the client and his guardian were likely reminded of the need to meet for end of services at eighteen months. The employment specialist told us that she reminded the client weeks before his last staffing. In fact, she said she talked about it often during her meetings with him, which was sort of common to do when discussing overall progress and goals. She personally met with him every two weeks and had staffings with him every two months as required by the funding source. Growth and the funding agency staff updated the client at these meetings where not only status but timelines were discussed. This is regularly covered with clients and any family in attendance, particularly at six-month meetings when individual plans for employment, or service plans, are developed and reviewed. Between the two agencies consumer rights and complaint/appeal information is also shared at that time. The issue at play here may be the lack of communication to the guardian in that this client preferred to attend all of his meetings alone, without his guardian. His guardian always respected his wishes and stayed away except for the first meeting to arrange services and the last one. She would have had the timeline information at the initial meeting. Growth said they currently send no meeting information or invitation letters to guardians but acknowledged that they probably should. They were uncertain as to whether the funding source does.

The representatives explained to us that the eighteen month timeline applies only to supported employment and is a funding source rule. Nonetheless, they never stopped providing services after June and continued unfunded until a new plan was developed and an additional six months was approved and now in place. They can go even farther if that gets approved. They said that the rule is not strictly adhered to and the state applies it differently. It used to be that they started the clock when a job started but now it starts with the program. In this case the guardian referred to the rights/appeal information shared with her at the onset and contacted CAP, the Client Assistance Program, to gain services that would terminate. CAP is a federally funded program under the Federal Rehabilitation Act of 1973; it helps consumers appeal eligibility and access determinations. All parties met and developed a new plan, extended services, agreed to meet weekly and move toward employment independence.

Assessments and plans from the client's file were reviewed for the duration of his term. The initial community employment assessment conducted in December 2011 recommended that the client would benefit from job development, coaching and following. It noted that his guardian attended the assessment with him. The first plan developed in January 2012 identified the need to keep his current job but to seek work elsewhere with more hours, preferably in retail.

Goals were to complete applications, interviews and discuss leads with the team. The client signed his plan stating that he understood it. The next meeting was scheduled for two months ahead, and three other team members including those from Growth and the funding source also signed the plan. The guardian was not in attendance. Plans were covered every two months thereafter with much of the same information and participating team members. According to the final plan in June 2013, the guardian attended the meeting. It was determined that stronger employment opportunities had not yet been achieved and there were no indications that services were ending. Growth provided subsequent materials to show extended services including an August plan. That plan cited more intensive job searches and increased face to face meetings with employers in the community. A six month commitment was agreed upon by all team members including the client and his guardian.

We followed up with the guardian who confirmed that she was able to review program and appeal information given to her in December 2011 and that services have indeed been continued for another six months. She also agreed that her son does not like her to attend meetings so she honors that, although she expects to miss some information.

We also followed up with staff at the funding source to confirm the extension and to see what information they provide to guardians and limitations to the eighteen month rule. First, they verified the extension. Next, they also reported that the eighteen month rule is not strictly followed; there tends to be a case by case application depending on need. They said that they identify whether there is a guardian involved when a referral is received. The guardian must sign consents to get the process started on determining eligibility. The counselor handling the case shares all rights and related information with guardians at the onset. A plan is then developed after eligibility and assessments of abilities are reached, at which time the client is enrolled in supported employment. The guardian is included in every step of the arrangement.

Funding agency staff provided a copy of their own plan for this client that works in conjunction with Growth's plan. Although it does not specifically state that there is an eighteen month limit, it lists a start and end date. Both the client and his guardian signed the plan. They also provided us a packet given to all new clients and guardians. It contains an exhaustive array of information about the program, expectations, rights and who to contact for questions, concerns, complaints and appeals.

## CONCLUSION

Bridgeway's Community Employment Services descriptor refers to the funding source's eligibility criteria for part of their vocational rehabilitation program. Termination criteria include improvement and successful job placement, consumer or guardian request, change in condition or level of functioning and medical or physical limitations. It states however that employment services can be reinstated. According to Bridgeway's consumer rights policy, consumers participate in developing goals and objectives within the service planning process and that consumer choice is stressed in areas of life and service provision. It mentions nothing of the guardian's role. The human rights education sheet (CR90-2), states that the person participates in the formulation and review of the service plan but also fails to recognize the guardian.

The Mental Health and Developmental Disabilities Code establishes the standard when it says that all recipients shall be provided adequate and humane care and services, pursuant to individual services plans. Those plans are to be formulated and reviewed with the participation of the recipient and the recipient's guardian (405 ILCS 5/2-102a).

Under the Administrative Code for Vocational Rehabilitation, supported employment services are time-limited to eighteen months except for special circumstances. Extended services may be granted when the consumer and the counselor agree on the amount of services needed to maintain employment (89 Ill. Admin. Code 590.840; 870). Section 590.840 requires that an Individualized Plan for Employment (IPE) be developed to guide service provision that is consistent with requirements established in Section 572.50. Included in Section 572.50 are requirements specifying that: "The IPE must be developed, agreed to and signed by the customer, or, as appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and approved and signed by the counselor....When the IPE includes supported employment services...the IPE must include the...following components:...a support reduction schedule that identifies the anticipated change in the level of support required by the individual during the time period covered by the IPE...." According to Section 590.810, supportive employment services are to be provided by community rehabilitation providers that must meet the conditions of Section 530. According to Section 530.130 (d) service plans are to be developed and then copies of the plans are to be given to all individuals involved in their development within 5 working days of completion. Section 530.130 (e) requires the provider to hold staffings every 8 weeks for training/placement services and every 3 months for extended services with all persons involved in the development of service plans to receive staffing reports within 10 working days after each staffing.

The Illinois Probate Act (755 ILCS 5/11a-17) addresses the role of the guardian and states that "To the extent ordered by the court and under the direction of the court, the guardian of the person shall have custody of the ward ... and shall procure for them and shall make provision for their support, care, comfort, health, education and maintenance, and professional services as are appropriate....The guardian shall assist the ward in the development of maximum self-reliance and independence.....Decisions made by a guardian on behalf of a ward shall be made in accordance with the following standards for decision making. Decisions made by a guardian on behalf of a ward may be made by conforming as closely as possible to what the ward, if competent, would have done or intended under the circumstances, taking into account evidence that includes, but is not limited to, the ward's personal, philosophical, religious and moral beliefs, and ethical values relative to the decision to be made by the guardian. Where possible, the guardian shall determine how the ward would have made a decision based on the ward's previously expressed preferences, and make decisions in accordance with the preferences of the ward. If the ward's wishes are unknown and remain unknown after reasonable efforts to discern them, the decision shall be made on the basis of the ward's best interests as determined by the guardian." Furthermore, the Act (755 ILCS 5/11a-23) provides that "Every health care provider and other person (reliant) has the right to rely on any decision or direction made by the guardian, standby guardian, or short-term guardian that is not clearly contrary to the law, to the same extent and with the same effect as though the decision or direction had been made or given by the ward."

By continuing services at the guardian's requests, without funding until he was restored it should be said, Growth did not violate the client's right to adequate services pursuant to his services plan, rather, they ensured it. Growth admits all the while that it can step up documentation of guardian contacts as it seems here that in respecting the client's desire for independence, some important updates for the guardian were lost. The eighteen month rule and related guardian inclusion is in the funding agency's hand and by all indications from their records, the guardian was a plan participant when service began. Appropriate information about the program was provided to her then, and she referred to that material when it came time for services to end. The HRA acknowledges the arrangement allowing the client to have a primary role in his vocational planning; however, the agency is obligated to keep the legal guardian apprised of progress by providing copies of service plans and staffing reports as required by regulations. The HRA substantiates the complaint regarding adequate notice specific to the provision of service plans and staffing reports to legal guardians.

### Recommendations

1. Follow regulatory requirements and provide guardians with copies of service plans and staffing reports.
2. Show some documentation on periodic guardian contact, invitation and updating in general, regardless of the funding source's responsibility.
3. Add the guardian's role to Bridgeway's consumer rights policies and human rights sheet.

# BRIDGEWAY

March 31, 2014

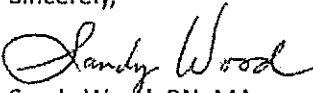
Florence Sandberg, Chair  
Human Rights Authority  
Guardianship and Advocacy Commission  
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Dear Ms. Sandberg:

In response to the investigatory report we received from the Human Rights Authority dated March 12, 2014, Bridgeway-Illinois Growth Enterprises (IGE) is sending to you our written response to the recommendations. Enclosed you will find revisions to our Human Rights form and policy, a revision of our Consumer Centered Plan policy, and a sample invitation to a guardian. These revisions will now become incorporated into our consumer programs and practices.

If you need any additional information, you can contact me at the phone number or email listed below. We appreciate the diligent work of the Human Rights Authority and we share your goal of ensuring that the rights of persons with disabilities are preserved. We will continue to live our mission always striving for excellence and always endeavoring to create solutions in partnership with the people we serve.

Sincerely,



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