



FOR IMMEDIATE RELEASE

**HUMAN RIGHTS AUTHORITY – NORTHWEST REGION
REPORT 14-080-9016
KREIDER SERVICES, INC.**

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving complaints of potential rights violations in the care provided to a resident at Kreider Services in Dixon. It was alleged that the facility is forcing the resident to transfer to another facility because they cannot provide adequate sign language services.

Substantiated findings would violate rights protected under the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102), the CILA Rules (Community Integrated Living Arrangement) (59 Ill. Admin. Code 115) and the Probate Act (755 ILCS 5/11a-14.1).

Per the website, Kreider Services is a non-profit organization providing direct care programs to persons with developmental disabilities. Celebrating 60 years of service to the Northern Illinois area, Kreider Services serves over 500 individuals and is known throughout the State of Illinois for its quality programs in the areas of Autism, Community Living, Creative Employment, Day Services, Early Intervention, Individual Supports and Respite.

To investigate the complaint an HRA team met at the facility where it interviewed the manager of clinical services, a QIDP (Qualified Intellectual Disabilities Professional), a program manager, a nurse and 2 social service representatives. Relevant records were reviewed with guardian authorization, whose court appointment includes, "...residential placement pursuant to 755 ILCS 5/11a-14.1".

COMPLAINT SUMMARY

The complaint states that the resident has lived at Kreider Services for the last 10 years and is now being forced to transfer to another facility due to the agency being unable to provide sign language services.

FINDINGS

Interviews

The manager of clinical services stated that the resident has been at Kreider Services since 1983, initially at the Day Services Program. In 1991, the resident moved into the Kilker Pine-Acres, a 10 bed ICF-DD (Intermediate Care Facility for the Developmentally Disabled). In December of 1999, to better meet the needs of their aging population, Kreider Services moved the resident to the Blackhawk Group Home, which is a 15-bed ICF-DD. During the length of time that the resident has been with Kreider Services, she has become well acquainted with the long term staff which includes a sign language interpreter as this is the main source of communication for the resident.

The program manager added that due to a class action lawsuit, Kreider Services is mandated to develop CILA (Community Integrated Living Arrangements) group homes that are 8 beds or less. She went on to state that during this process they have interviewed residents to determine what their desires are for future placement, and guardian input was sought as well. In addition, the social service representative stated that the resident has 2 co-guardians, one of whom visits once yearly for the annual evaluation, and the other who has not been to Kreider Services for a visit since 2009. At the onset, only one of the guardians was in agreement with the decision to transfer the resident to a new facility. The staff at Kreider Services made every effort toward the guardians to communicate the feasibility as well as the personal benefits of the transfer. The social service representative continued, stating that aside from the class action lawsuit, the intent to move the resident to a 6 bed group home is to enhance the quality of her life and to provide her with the supports and services to assist her in reaching her fullest potential. Per the nurse, "among the staff at the new group home is a professional interpreter, who is also assisting other staff to increase their signing abilities as well, thereby fully equipping all staff to communicate fluently with the resident". The nurse went on to state that the resident has visited the new group home on several occasions, resulting in positive experiences. The QIDP explained that the resident and both of the co-guardians are now in agreement with the move, and all 3 have put their signatures on the class action lawsuit Transition Service Plan.

RECORDS

The Annual Psycho/Social History and the Person Centered Plan both dated 9/12/13, plus the Guardian Contact Form dated 3/26/14 along with the Psychological and Behavioral Evaluation dated 5/7/14, all depict the mental health history of the resident at Kreider Services from the years 1983 through 2014.

The Person Centered Planning Interview sheet dated 2/25/14 explains the interaction between the resident and the QIDP regarding the resident moving to a

new group home within Kreider Services. The resident expressed desires to move and was pleased that she would make new friends and have her own room.

Letters from the social service representative addressed to both of the co-guardians dated 4/25/14 denote in full explanation the class action lawsuit and how it affects Kreider Services and more specifically, the resident.

Progress notes dated 4/29/14 state that a conference call was held between the 2 co-guardians, the social service representatives and the QIDP informing them of the success on the resident's 4/24/14 visit to the new group home. In addition, the conference call further gave details to the co-guardians regarding the class action law suit that directs funding for group homes to become smaller settings, including establishing more specialized homes for persons who are deaf and blind, thus greatly benefiting the resident.

The Client Visit Documentation sheets depict that the following visits were made to the new group home by the resident: 4/24/14, 4/28/14, 5/5/14, 5/12/14, 5/19/14, 6/2/14 and 6/9/14.

The class action lawsuit Transition Plan dated 5/30/14 was signed by the resident and 1 of the co-guardians in April, 2014, and the 2nd co-guardian signed the form in August, 2014 stating that all agree to the transfer of the resident to the new group home.

CONCLUSION

Kreider Services Community Living Programs – Internal Referrals policy states that “Due to the Ligas Law Suit Decree and the opportunity for individuals living in ICF-DD with 10-beds or larger to get CILA funding, the Kreider Services Community Living Planning committee's goal is to consider internal people for CILA opportunities within Kreider. It is the goal to continue to serve the clients we currently serve. The committee may suggest that a client ‘visit’ an existing opportunity a number of times to determine if it is a good match. If the individual expresses interest and it appears to be a good match, the guardian will be contacted to discuss the opportunity and share information on how the informal visits have gone. If the guardian is willing to consider the opportunity, an internal referral will be completed. If the home is going to be converted to a CILA by being downsized, a guardian may be required to authorize the client to move to another home within the agency or seek services with another provider”.

According to the Ligas v. Maram Consent Decree (No. 05 C 4331; Fact Sheet, Access Living..., 2008):

All people with developmental disabilities living in private institutions will receive individualized evaluations and the choice to live in a community-based setting, with appropriate services. Within six years, all developmentally disabled people living in institutions who do not oppose community placement shall transition to

the most integrated community-based setting appropriate for their needs. All people with developmental disabilities living with their families who are determined to be in "Crisis", as well as approximately 3,000 people who are determined to be in "Emerging Crisis", will receive community-based settings and services to meet their individual needs. Independent monitoring of the Consent Decree will be required. No one will be forced out of institutions against their will. Under the terms of the proposed Consent Decree, anyone who wishes to remain in an institution is free to do so. People who choose to remain in institutions will not be required to move.

Under Section 5/2-102a of the Mental Health Code:

A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient. The facility shall advise the recipient of his or her right to designate a family member or other individual to participate in the formulation and review of the treatment plan. In determining whether care and services are being provided in the least restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided.

According to CILA regulations (59 Ill. Adm. Code 115.215) regarding criteria for the termination of individuals:

a) The community support team shall consider recommending termination of services to an individual only if:

- 1) The medical needs of the individual cannot be met by the CILA program; or*
- 2) The behavior of an individual places the individual or others in serious danger;*
or
- 3) The individual is to be transferred to a program offered by another agency and the transfer has been agreed upon by the individual, the individual's guardian, the transferring agency and the receiving agency; or*
- 4) The individual no longer benefits from CILA services.*

b) Termination of services shall occur only if the termination recommendation has been approved by the Department. For individuals enrolled in the Department's Medicaid DD Waiver, termination of services is subject to review according to 59 Ill. Adm. Code 120.

The Probate Act (755 ILCS 5/11a-14.1) establishes the guardian's authority with regard to residential placement:

Residential placement. No guardian appointment under this article, except for duly appointed Public Guardians and the Office of State Guardian, shall have the

power, unless specified by court order, to place his ward in a residential facility. The guardianship order may specify the conditions on which the guardian may admit the ward to a residential facility without further court order. In making residential placement decisions, the guardian shall make decisions in conformity with the preferences of the ward unless the guardian is reasonably certain that the decisions will result in substantial harm to the ward or to the ward's estate. When the preferences of the ward cannot be ascertained or where they will result in substantial harm to the ward or to the ward's estate, the guardian shall make decisions with respect to the ward's placement which are in the best interests of the ward. The guardian shall not remove the ward from his or her home or separate the ward from family and friends unless such removal is necessary to prevent substantial harm to the ward or to the ward's estate. The guardian shall have a duty to investigate the availability of reasonable residential alternatives. The guardian shall monitor the placement of the ward on an on-going basis to ensure its continued appropriateness, and shall pursue appropriate alternatives as needed.

Complaint: The facility forced the resident to transfer to another group home in order to provide adequate sign language services. The transfer of the resident was to another CILA group home within Kreider Services. Although the transfer was due to a class action lawsuit to develop group homes that are 8 beds or less, the resident and guardian involvement was an important part of the process. The goal of the staff at Kreider Services is to provide direct care services that meet the needs and desires of the people they serve. Specifically, this resident was selected to move to a 6-bed CILA where staff are able to communicate with her on a level that is not available at her current group home. Per the Person Centered Planning Interview sheet dated 2/25/14, the resident was excited to move, make new friends and have her own room. The resident made numerous successful visits to the new group home per the Client Visit Documentation sheets. Letters dated 4/25/14, progress notes dated 4/29/14, and the class action lawsuit Transition Plan dated 5/30/14 depict the involvement and approval of the co-guardians who have placement authority. The findings of the HRA are quite convincing, and thus the conclusion can be made, that the complaint is not substantiated.