



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY – NORTHWEST REGION
REPORT 17-080-9009
MOSAIC IN ROCKFORD

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship & Advocacy Commission opened an investigation after receiving complaints of potential rights violations of the residents at Mosaic in Rockford. Allegations were that there is disregard of the legal guardians.

Substantiated findings would violate rights protected under the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102(a), 202), the Standards and Licensure Requirements for Community Integrated Living Arrangements (CILA) (59 Ill. Admin. Code 115.100; 200; 220; 230; 320), and the Illinois Probate Act (755 ILCS 5/11a-17, a-23)

Mosaic operates 3 facilities in Illinois including Rockford, Macomb and Pontiac. According to its website, Mosaic in Rockford began providing a conglomeration of services for adults with disabilities in the Rockford area in April 2002 and currently serves 84 adults. Services include assistance in achieving greater independence in home management, vocational skills, community participation, transportation, recreation, leisure and spiritual awareness.

The HRA discussed the matter with the executive director from Mosaic in Rockford. Although masked records were requested, according to the executive director there are no records available relating to guardian inclusion, and/or more specifically with respect to the notification of guardians when a resident is moved from one group home to another. In addition, the policies that were provided by the facility to the HRA were vaguely relevant.

COMPLAINT SUMMARY

The complaint stems from the growing concern that there is disregard of the legal guardians. The Mosaic Bauer Home was closed in November of 2016 due to DSP (Direct Support Professional) staffing shortages. When the four residents were moved to other Mosaic homes, the QIDP (Qualified Intellectual Disabilities Professional) allegedly failed to notify the guardians of the move.

FINDINGS

The executive director explained that Mosaic offers CILAs (Community Integrated Living Arrangements) as well as host homes. A host home is a relationship-based model where the person receiving services lives with the person providing the services in their home. She went on to expound that the host homes have proven to be highly successful, resulting in the benefits of a more personal and individualized program for the residents. As Mosaic residents choose to live in the host homes, they move from their CILAs leaving vacancies. Mosaic is closing rental properties and consolidating homes based on the number of residents who are expressing their desire to move into host homes and to address the DSP staffing shortage across the State of Illinois. The executive director continued in that the QIDP of the Bauer Home failed to notify the guardians in November 2016 that its 4 residents were moving to new CILAs (but not host homes) in Rockford that are operated by Mosaic staff and that contained individuals with whom the residents were already familiar. According to the executive director, “the transition was successful and all individuals are happy in their new homes”. However, there is no sufficient documentation regarding any type of contact with the guardians concerning the relocating of the 4 residents. Nor is there policy in place within any of the 3 Mosaic facilities in Illinois to address such an issue. Nevertheless, in response to this alleged complaint a new form entitled the “Individual Move Checklist” was created.

In a letter addressed to the HRA dated 4/10/17 from the executive director, it is confirmed that “There was a major lapse in communication with the closure of the Bauer home. The QIDP of the Bauer home failed to notify the guardians of the impending move to another Mosaic home”.

The email dated 4/12/17 from the executive director depicts the following: “As I stated during our phone call, Mosaic takes full responsibility for failing to notify guardians when a Mosaic home (Bauer) closed. The QIDP of the home failed to contact the guardians as required”.

The 4/12/17 email goes on to state that “Mosaic has several policies in regards to guardian involvement, but no policies or procedures that address notification when making internal moves”.

With regard to the 3 Mosaic facilities located in Illinois (Rockford, Macomb and Pontiac), the following was also denoted in the 4/12/17 email to the HRA from the executive director: “We all concur that we do not have any specific policy that states we will notify guardians before moving an individual within our program. We believe this is just common sense”.

The executive director stated the following in the letter to the HRA dated 4/10/17: “To ensure that this type of incident does not occur again, Mosaic developed an Individual Move Checklist”. The newly established form indicates that the staff shall record “action steps prior to the move” including documenting the name of the staff along with the date that the “person’s family/guardian of proposed move have been notified”.

In response to an email sent by the HRA on 4/25/17, the executive director explained that “the role of Mosaic’s Human Rights Committee is not to investigate, and in this particular case there was no investigation necessary as we did not follow our own practice to notify guardians and took full responsibility for the poor communication. Once we receive

your final report, it will be presented to the Human Rights Committee for their input and recommendations”.

Reportedly, 3 of the residents were removed from their previous Bauer Home to the Trinity Home, located 9.2 miles away and the remaining resident was moved 5.2 miles away to the Saddle Home, per the 5/3/17 email to the HRA from the executive director.

CONCLUSION

The Mosaic CILA Community Services Team (CST) policy, revised in 2011 denotes that a “CST member who is a QIDP shall be designated for each individual and shall assure the participation of team members, the individual, the guardian, the family and necessary professionals”. The policy goes on to specify that the QIDP shall “facilitate individual linkage and transfer”. And in addition, “shall initiate/coordinate the interdisciplinary process as often as specified in the services plan or when required by problems or changes”.

According to the Mental Health Code (405 ILCS 5/2-102) regarding care and services;

§ 2-102. (a) A resident 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...and the recipient’s guardian...

In reference to Section 5/2-202. Policies and procedures:

§ 2-202. The Secretary of Human Services and the facility director of each service provider shall adopt in writing such policies and procedures as are necessary to implement this Chapter. Such policies and procedures may amplify or expand, but shall not restrict or limit, the rights guaranteed to recipients by this Chapter.

According to Part 115. Standards and Licensure Requirements for Community-Integrated Living Arrangements: General Provisions

Under Section 115.200 (c) Service Requirements:

Description

c) Services shall be oriented to the individual and shall be designed to meet the needs of the individual with input and participation of his or her family as appropriate.

And Section 115.220 regarding the community support team:

e) a CST member who is a QMRP or a QMHP shall be designated for each individual and shall:

11) Initiate and coordinate the interdisciplinary process as often as specified in the services plan or when required by problems or changes;

13) Work with the individual and parent(s) and/or guardian to convene special meetings of the CST when there are issues that need to be addressed as brought to the attention of the team by the individual, parent(s) and/or guardian.

In addition, Section 115.230 addresses the interdisciplinary process:

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

a) Through the interdisciplinary process, the CST shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.

b) The following shall be included in the interdisciplinary process:

1) The individual or his or her legal guardian, or both;

According to the Illinois Probate Act (755 ILCS 5/11a-17), Duties of personal guardian:

(a) To the extent ordered by the court and under the direction of the court, the guardian of the person ...shall procure for them and shall make provision for their support, care, comfort,

health, education and maintenance, and professional services as are appropriate...

(e) 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.

And under Section 5/11a-23. Reliance on authority of guardian, standby guardian, short-term guardian

b) 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. Any person dealing with the guardian, standby guardian, or short-term guardian may presume in the absence of actual knowledge to the contrary that the acts of the guardian, standby guardian, or short-term guardian conform to the provisions of the law. A reliant shall not be protected if the reliant has actual knowledge that the guardian, standby guardian, or short-term guardian is not entitled to act or that any particular action or inaction is contrary to the provisions of the law.

Complaint: There is disregard of the legal guardians. The letter from the executive director dated 4/10/17 denotes that the QIDP did not notify the guardians prior to the move of the residents from the Bauer Home.

The letter also indicates that a checklist has been created to outline action steps to prevent such an occurrence in the future. The 4/12/17 email illuminates that neither of the 3 Mosaic facilities in Illinois have a specific policy with respect to notifying guardians prior to relocating a resident. The Mosaic CILA Community Services Team (CST) policy depicts that the QIDP shall promote individual affiliation and transfer. The QIDP shall also initiate the interdisciplinary process when a resident experiences problems or changes. According to the executive director, no referral was made to Mosaic's Human Rights Committee prior to this investigation. Per the Mental Health and Developmental Disabilities Code (ILCS 405/2-102a) regarding care and services, an individual services plan shall be formulated and periodically reviewed "...with the participation of the recipient...and the recipient's guardian." The CILA Rules in Part 115.200c state that "... Services shall be oriented to the individual and shall be designed to meet the needs of the individual with input and participation of his or her family as appropriate." In regard to the interdisciplinary process, CILA Rules in Section 115.230 state that the individual or his or her legal guardian, or both shall be included in the process and it is the responsibility of the community support team to integrate a service plan for such. It is not clear why but here, by lack of proof, neither the residents' nor their guardians' or families opinions and choices about the move were even considered. The Illinois Probate Act further requires that guardians make provisions for care which requires direct involvement in decision-making and in evaluating care options; providers are then to rely on the guardian's decisions unless contrary to law. The allegation of disregard of the legal guardians is substantiated. Although it is concluded that a violation occurred, it is also concluded that the violation has been resolved.

RECOMMENDATIONS

1. To ensure compliance with the Mental Health Code and CILA regulations develop policy surrounding guardian participation in treatment planning, including when living arrangements are changed. The policy should include provisions for the newly

created checklist and documentation of guardian decisions.
(405 ILCS 5/2-102, 5/2-202 and 59 ILL. Admin. Code
115.200c)

SUGGESTIONS

1. Consider staff training on the role of the guardian.
2. Include language on the Admission Agreement to notify/consult with the guardians prior to the relocation of residents. (59 Ill. Adm. Code 115.200)

RESPONSE

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



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A life of possibilities for people
with intellectual disabilities.



September 8, 2017

Erin Wade, Ph.D., Chair
Human Rights Authority
Illinois Guardianship and Advocacy Commission
4302 N. Main St., Ste. #108
Rockford, IL 61103-5202

Re: #17-080-9009 Mosaic in Rockford

Dear Dr. Wade:

We have reviewed the recommendations and suggestions provided by the Northwest Regional Human Rights Authority to the case noted above. It is Mosaic's mission to provide individuals in service with the best possible care and ensure quality at every level of service. With that in mind, we took your suggestions seriously and tightened up both our Admission Agreement and CILA Community Services Team Policy to reflect proper planning, notification and follow-through. In addition, we added an Individual Move Checklist to provide direction and ensure all action steps are taken timely.

Thanks again for the feedback. As an agency, we continue to strive to improve services and create a life of possibilities for the people we serve. Please feel free to contact me if you should have any further questions or concerns.

Sincerely,

Carla Saelens
Executive Director

STATE OF ILLINOIS
Bruce Rauner
Governor

GUARDIANSHIP & ADVOCACY COMMISSION

Dr. Mary L. Milano, Director

HUMAN RIGHTS AUTHORITY
LEGAL ADVOCACY SERVICE
OFFICE OF STATE GUARDIAN



NORTHWEST REGIONAL HUMAN RIGHTS AUTHORITY

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Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 et seq.), we have received the Human Rights Authority report of findings.

IMPORTANT NOTE

Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you may have provided and indicated you wish to be included in a public document, will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.

We ask that the following action be taken:

We request that our response to any recommendation/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

Name: Carla Saelens
Title: Executive Director
Date: 9/8/17

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