

COMMISSION MEETING MINUTES

April 12, 2011

Video Conference sites:

Chicago:	Thompson Center	100 West Randolph, Room 9-036
Springfield:	Capitol City Training Center	130 West Mason St., Room 104
Carbondale:	So. IL University Morse Library	ISS Conference Room

MEMBERS PRESENT

Anthony E. Rothert, Chairman
Rev. Barbara Berry-Bailey
Sharon Jenkins-Collins, D.C.
Inez Torres Davis

MEMBERS ABSENT

Andrea M. Schleifer, Vice Chairman
Senator Ira Silverstein
Seymour Bryson, Ph.D
Representative Angelo "Skip" Saviano
Senator Don Harmon

EXECUTIVE STAFF PRESENT

Chicago

Dr. Mary L. Milano
John H. Wank
Veronique Baker
Helen Godlewski Brownfield
Bobbie Fox
Constance Umbles-Sailers
Danielle Welliever
Florence P. Martin

Executive Director
General Counsel/Deputy Director for Programs
Director, Legal Advocacy Service
Director, Office of State Guardian
Director, Human Resources
Confidential Assistant to the Director
Director of Policy and Training
Private Secretary to the Director

Springfield

Carol R. Tipsord
Teresa Parks

Chief Fiscal Officer
Director, Human Rights Authority

Chairman Rothert called the meeting to order at 1:15 PM. A quorum was not present.

Director Milano introduced and welcomed the newly appointed Commissioner, Dr. Sharon Jenkins-Collins. Dr. Jenkins-Collins is a Chiropractor and Naprapath with a practice in South Shore community of Chicago. She is also the mother of 4, one of whom has Downs Syndrome. It is expected that she will be able to bring to the Commission her medical expertise, as well as considerable sensitivity to the concerns of those with disabilities.

Director's Comments

Dr. Mary L. Milano

The State is in the midst of budget/appropriations season. The Commission has submitted budget layouts to the Governor's office in 3 different variations for both the House and Senate. We are currently in the process of responding to a budget request from the Speaker for a 10% across the board cut by agency, to be allocated by agencies as they wanted to suggest; to a 6.5% reduction from the budget book budget. The budget which was submitted on our behalf to the legislature by the Governor's office would allow us to maintain our position with two variations: one which provides approximately \$760,000 for bargaining unit increases, another sum for associated benefits that we contribute to—Social Security—and the balance to fill the authorized but long standing staff vacancies. The budget received a positive reaction in the House, but the Senate was less accommodating for two reasons. The appropriations Chairman of the Senate felt we should be moving individuals into the community at a faster rate, something that isn't either possible or necessarily desirable from our perspective as we try to deal with each case individually. Secondly the agency's case loads have not increased in the last couple of years in any substantial way. Since the hearing we have tried to develop other approaches to analyzing our data with respect to operations and needs, and have come up with some additional arguments that support our position that we require additional personnel at this time.

Director Milano stated that she will continue to commit herself in trying to keep the Agency at a level which permits operations to maintain integrity equal to which we currently operate, and to find other ways to create better efficiency. It is expected that all budget issues will be resolved, at the latest, by the end of May.

Director Milano then spoke about the retirement of the Agency's Chief Fiscal Officer, Carol Tipsord, as of April 28, 2011. The Agency will have some struggles finding a replacement for her; one who will have the same quality of work and commitment. The agency wishes her well: she will spend her well deserved time with her husband and grandchildren. The agency is in the process of locating candidates for her position. General Counsel John Wank will be visiting the Springfield office to assist with making sure whatever loose ends there may be are tied up. Until such time as the position is filled, there will be an interim financial officer and assistance may be sought from OMB depending on what the requirements of the legislature are as we near the end of appropriations.

The most significant piece of legislation that the Agency is involved in is one in which we are the lead agency, as part of a coalition which includes the IL Coalition Against Sexual Abuse. The legislation would permit adult wards to request and receive 5 counseling sessions without the consent of a guardian. It is designed to immediately address situations where an individual(s) have been sexually assaulted or otherwise put at risk. It also enables individuals in situations where the guardian or person close thereto, is culpable. It is being sponsored in the General Assembly by Representative Ann Williams, a new representative from the North Side of Chicago, who we hope to approach to fill the vacancy of former Commissioner Kathy Ryg. The bill will be sponsored in the Senate by Senator John Mulroe from the Northwest

side of Chicago. Among the several pieces of legislation that the Agency is involved, this is the most significant and one that is moving forward and represents the Agency's efforts to expand the rights of the disabled.

The Agency is also participating in a coalition put together by Representative Gregg Harris that is for the further regulation of Community Integrated Living Arrangement (CILA) conditions. Jon Burnet (HRA) and Director Milano also participated in the House working group that was commissioned several years ago to look into ways that IL could centralize and coordinate its patterns of protection for different classes of disabled persons. This would make it easier to access services and to fill some of the many gaps that are present. The report has been submitted to the House and copies are available for the Commissioners.

Legal / Programs Report

John Wank

Mr. Wank began by personally thanking outgoing CFO Carol Tipsord for her years of service. He commended her for understanding of the Commission's programs and for having their financial issues supported from the beginning.

He then reported that the Illinois Guardianship Association will be having their annual meeting in Springfield on May 10, 2011. There were 140 attendees registered, which is a considerable increase from past registrations. He believes the increase in attendance is due in part to the support of legislation that the Commissioners supported and carried through the General Assembly. In 2009 the Governor signed into law a bill which enables the Boards and Commissions staff to appoint the same individual to serve in multiple counties as a county public guardian. Sharon Rudy—the first to be named to serve in multiple counties—is the incoming President of Illinois Guardianship Association. She has made a large effort to invite other guardians and we have publicized the meeting date to all of the Public Guardians in Illinois, citing strong reasons to belong and encouraging them to join the IGA. The other part of the law established the requirement that all public guardians be certified with the National Guardianship certification process as are all of the Office of State Guardian staff, so they now have this motivation to be involved, get trained and participate.

No tax payer monies are used to conduct the affairs of the IGA; it is a self sufficient organization. Monies are made from the occasional fundraiser and the production of conferences such as the one in Springfield. A number of Commission staff participates as Board members and with organizational trainings, etc.

Lastly, the Commissioners were reminded that it was time to complete their yearly statements of economic interest and to complete the yearly ethics training. Commissioners will receive their ethics training packets in the mail.

Fiscal Report

Carol Tipsord

At our last meeting the current appropriation was \$8.4 million in the General Revenue Fund. On April 8, we received the \$1.2 million Governor's emergency allocated fund, bringing us

to \$9.6 million. These are the monies we required to pay our staff and bills through the end of June.

As Director Milano indicated the only line increases requested for FY12 is in personal services. Our total request for FY12 is \$10,779,100, which is \$1,149,000 above FY10 with the \$1.2 million included. If we are cut 6.5% or 10%, we should still be able to pay up to 108 working staff. We have any number of staff on leave at any given time.

ACTION ITEMS

Since a quorum was not present, minutes from the September 12, 2010 and November 9, 2010 meetings will be approved at the June 14, 2011 meeting.

PROGRAM REPORTS

Office of the State Guardian

Helen Godlewski

The Office of the State Guardian (OSG) continues to serve 4800 wards living in about 1600 different placements throughout the State. Caseloads are averaging about 127 per worker, but range between 100 and 200 due to staff vacancies across the state. Our caseloads are roughly 3 times the national average of 44.

There are a number of staff vacancies:

- North Suburban: 3 staff members on leave;
- West Suburban: 2 staff on leave and 2 have recently retired;
- East Central: 1 Guardianship Representative retired and a vacant Regional Administrator position;
- Egyptian: 2 staff vacancies; and
- Peoria, Rockford and Metro East regions have no clerical support.

Every program person is assisting with ward visits. Approximately 20% of our wards have been impacted statewide by the staff vacancies. She commended the regional staff for pulling together and assisting with caseload coverage and ward visits, especially this upcoming quarter and the quarter after.

OSG is also having a number of very challenging community cases, complicated new appointments and problematic facilities. Commissioners were reminded that last year here were 3 problematic facilities—Howe, Summerset and Fox River in Aurora. This year OSG is tracking 4 facilities:

- Wincrest, on the North Side of Chicago, is an Institute for Mental Disease facility that serves people with chronic mental illness; we had 2 wards living there. They had many of the same problems as Summerset and are undergoing a license revocation. They are closing and our 2 wards have been transferred out and Public Health is assisting with the other transfers;

- Graywood Foundation is in Charleston, IL based in Coles County. It serves a number of people with developmental disabilities. Glenna Starkey, our regional representative in that area came home one night and saw on the news that one of the Graywood residents had died as a result of beatings. The 2 staff members who were assigned to the resident have been arrested and are awaiting trial. Ms. Starkey went out that evening and visited with each of our wards to insure their safety. She immediately started making plans to transfer them. Our first ward was moved within 24 hours and the others were moved within 2 weeks. This all occurred during the days surrounding the February blizzard. DHS is assisting with the transfer of the other residents: Graywood is now closing;
- Alden Village North on the North Side of Chicago serves children and adults who are medically fragile with developmental disabilities. We had 6 wards living there, but have recently received 5 new appointments and now have 11 wards living there. Alden Village has also been the subject of a series of Chicago Tribune articles investigating the large number of injuries to and deaths of residents. OSG has met with Alden's management team; they've insured us that they have new safety precautions in place. We are also continuing to work with DHS and the local Pre-Admissions Screening agent to identify placement alternatives. However, for the population served there aren't that many vacancies available across the state, so unless the facility closes OSG doesn't expect to get a lot of support from the other agencies in terms of locating alternative placements;
- The final problematic provider is Columbus Manor on the West Side of Chicago. It also serves individuals with chronic mental illness. Columbus was in the news recently: they had 3 fires set in the middle of the night. In the end it was determined that one of the residents who had a history of arson set the fires. OSG has 4 wards living at Columbus Manor and is currently looking for alternative placements.

Despite the challenges of problematic facilities and staff vacancies, training opportunities continue. In addition to the May 10th training in Springfield, there will be one in Chicago on April 14th and for the first time CLEs will be offered in addition to CEUs at both training events.

Human Rights Authority

Teresa Parks

Several HRA appointments were approved by Director Milano in January, which included 8 new member appointments and a few resignations. A new list is being compiled which will include 4 new members, 4 member reappointments, and recognize a few term expirations and 4 member resignations. This will leave 8 member vacancies in regions across the state.

Director Milano also previously approved enforcement referrals on 5 cases which were either due to the result of a lack of provider response to human rights findings or inadequate response. Four of those enforcement referrals concerned group homes operated by an organization called DD Homes Network and the fifth referral was concerning Henry County Jail.

We have received responses from the IL Dept. of Public Health who found regulatory violations for 3 of the DD Homes network cases. Those findings were consistent with the Human Rights Authority's investigations and recommendations. The fourth DD Homes referral went to its licensing body, the Department of Human Services. We have received notification that they are conducting a review of our findings.

We have not heard from the Dept. of Corrections, which is where we sent the Henry County Jail case, but will send follow-up correspondence.

We have also sent correspondence to the Centers for Medicare and Medicaid, which is the Federal oversight agency, regarding our concerns for repeated cases involving DD Homes network facilities and their repeated lack of cooperation. We have had a response from them saying they are reviewing the information that we sent them.

The HRA is fully staffed, although we received notice that our Egyptian regional HRA coordinator is retiring at the end of November. The Egyptian region is one of our largest geographic regions in our programs, so this will be a great loss.

In terms of staff and volunteer development, the HRA staff did convene in November for a training session. There were guest speakers from IL Dept. of Public health and from a Special Education resource called Family Matters Parent and Information Training Center. HRA has also updated their orientation and training manual that is given to HRA members at the time of their appointment.

With regard to outreach activities, as Director Milano mentioned Jon Burnet has been involved with the Governor's Task Force regarding abuse of people with disabilities. The Peoria HRA coordinator Gene Seaman participated in a special education information fair in Peoria at the same location and in conjunction with the State basketball finals. Gene also participated in a volunteer recruitment fair at Bradley University. He was able to secure a student intern that will begin working with the HRA in June. She is studying Public Relations and we hope to involve her in some public awareness activities for the program. Director Parks was also involved in a presentation for public health survey staff in November and a Special education rights presentation in March.

Statistically the HRA is seeing an increase in complaints against Community Integrated Living Arrangements (CILA), however, complaints against State operated mental health facilities continues to top the list. Issues related to treatment and programming, medication, admission and discharge practices are the most frequent types of rights complaints the Authority receives.

Legal Advocacy Service

Veronique Baker

The LAS attorneys around the State continue to provide services for about 700 people a month. Those services consist of either representation at the trial court level, responding to complaints about wherever they are—in a hospital, for example; requests for information, etc. One of the LAS attorneys took the responsibility of summarizing the appellate work that

was accomplished in 2010. There are 10 attorneys who handle the appellate work and they took on 68 new appeals in 2010. Out of those 68 appeals, we actually secured 20 reversals, meaning that the appellate or supreme court agreed that there was some sort of violation at the trial court level and our client's rights were not respected, the law not followed or something to that effect. This is important because it shapes how mental health law is practiced in the State of IL and gives guidance to other mental health practitioners. The LAS attorneys participated in 15 oral arguments throughout the state. We are very proud of their accomplishments: 10 attorneys spread throughout the state are handling an incredible amount of legal work. Earlier in the year Director Baker participated in an event where they helped individuals that have been diagnosed with mental illness, to draft mental health power of attorneys: 14 were drafted that day. This is significant as it allows the individual to take ownership of their condition and decide at a lucid point in their recovery that if something happens this is how I would like to be treated; this is where I would like to be treated. It lets doctors know they are serious about their treatment and when they are respected, the process of recovery is a lot faster. There's no need for the involuntary civil commitment or involuntary treatment cases: there's a document there that indicates the person's wishes.

The LAS is fully staffed, although they could use more staff.

Chairman Rothert asked if there had been any changes/developments with regard to the Chief Judge of the County Division. Director Baker stated that Judge Ballard had been the temporary judge and has since been permanently replaced by Judge Ponce de Leon. She has had a few meetings with him and he is very receptive to the idea that in Cook County we go back to the previous system: having hearings take place at 2 or 3 stationary hospitals as opposed to former Judge McGann's system of going to whatever hospital filed the petition. There are currently 40 hospitals that we could potentially be going to on a weekly basis to have petitions. Hearings could take place at 9:30 AM and 1:30 PM. Because of the lack of manpower, this would result in attorneys having hearings in the morning and then racing to another location to have a hearing in the afternoon. This would not only involve the LAS attorney, but the State's attorneys, the Clerks office, the Sherriff's office, the court reporter and the Judge. The system that was in place when Director Baker started with the agency 5 years ago was that hearings were held at Read Mental Health Center, Tinley Park and subsequently, Madden Mental Health. Judge Ponce de Leon is open to changing the system, mainly due to the financial problems; that of having all those individuals travel to varying sites. Hopefully in the near future steps will be made to dismantle it.

There was no new business.

Meeting was adjourned at 2:00PM.