

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

**James R. Thompson Center, 100 West Randolph Street, Room 9-035 Chicago, Illinois
500 ½ Stratton Bldg. , Springfield, IL.
Lawson Hall 105 SIU, Carbondale, IL**

**Minutes of Video Conference Meeting
July 22, 2008
1:00 PM**

COMMISSION MEMBERS PRESENT

Seymour Bryson
Andrea Schleifer
Representative Kathy Ryg
Kenley Wade
Inez Torres Davis
Glen Jackson
Senator Don Harmon (via telephone)

EXECUTIVE STAFF PRESENT

Dr. Mary Milano, Executive Director
John H. Wank, General Counsel, Deputy Director for Programs
Bobbie Fox, Acting Director for Human Resources
Helen Godlewski Brownfield, Director of the Office of State Guardian
Gina Rossi, Confidential Assistant to the Director
Veronique Baker, Director Legal Advocacy Service
Carol R. Tipsord, Director of Fiscal Operations
Teresa Parks, Director Human Rights Authority

MEETING CONVENED

Chair Seymour Bryson called the meeting to order at approximately 1:10 pm. A quorum was present.

DIRECTOR'S REPORT: Mary Milano

Commissioner Appointments: Introduced Andrea Schleifer, new commissioner, filling Morse' vacancy. She is a private practitioner in Chicago, well versed in guardianship and family law and active in social justice issues. There is another commissioner appointment in the works, Anthony Rotherth, an attorney who has worked for IGAC and is now a Director with ACLU, Missouri. We are waiting for movement on other appointment requests from Boards and Commissions.

Budget: A MEMO was sent out to Commissioners indicating that GAC has received the FY '09 budget. We were spared many of the cuts other state agencies have received. Director Milano noted that the governors office is requested a 3 % reserve. Director Tipsord will report on implications. GAC intends to make some immediate front-line staff hires as well as some administrative hires, particularly the request for a Private Secretary in Chicago. Director Milano spoke at length concerning pending hires and explained the necessity to the commission.

Director Milano believes the 3% reserve will impact our GAC's ability to function and do the best possible for OSG wards. Director Milano will speak to legislators about possibly assisting with lifting the reserve.

Legislation: GAC has been involved in various legislative pursuits. Along with Representative Ryg and Senator Harmon's' offices we have worked on legislation which address abuse issues for vulnerable persons in hospital and ER settings. It passed the house unanimously and was pending in committee when the General Assembly adjourned. The Commission also prepared an amendment in relation to the appointment of Public Guardians, General Counsel Wank has prepared legislation and it is being reviewed by various Public guardians and other interested parties. Once that happens, GAC will move forward in finding a sponsor. Lastly, and most commissioners have a copy, we have made some tentative changes to our enabling act to effectively give the HRA parity with how it operates. The HRA often suffers from lack of a quorum because our enabling act requires commissioner approval for action items. John has prepared some changes and will describe them during his report today.

Commissioner Business: Currently we are without a formal commission chair and need to appoint one. Also, this is the time of year that we vote in officers and establish the upcoming year's committees. Director Milano suggestions, because we have a new commissioner today and another one coming on board soon, that we should defer the business of nominating a chair and setting committees, for the next commission meeting to be held in the fall.

Director Evaluation: Director Milano wanted to mention the Director Evaluation process. She believes that this year we should be able to handle the matter and the matter of the Directors compensation in August or September of this year and on the agenda in the meeting for the fall. Director Milano will call Commissioner Bryson to discuss the matter in more specificity.

LEGAL AND PROGRAM: John Wank

Ethics: General Counsel Wank advised that all staff have completed their on-line Ethics Training this year. IGAC asks that the Commissioners complete their

mandated Ethics training, and all of our new commissioner must fill the same requirements for 2008, details will be forthcoming.

Auditor General Report: Commissioners have been kept apprised of GAC's audit findings and responses to Audit findings. We have read other audit reports and have found that other State Agencies seem to be getting the same type of treatment. GAC will send an update concerning Audit Finding and we have yet to determine if GAC will have to testify before the Auditor General.

Legislation: GAC has been working on a couple of different legislative proposals. Wank will send both drafts out to the commissioners via email. They are not quite ready yet. Wank expects within a week or so that the material will make its way to the commissioners. The legislation would modify our act so that the Human Rights Authority could make decisions at the Director level. The Commissioners will be advised but will not have to be the decision maker and we would not have to burden the commission with that level of management. The Human Rights is our only program where this level of micro management occurs. In any other GAC program it would be foreign to include commissioners in such rudimentary matters.

FISCAL REPORT: Carol Tipsord

Budget: We were asked this week in an OMB meeting to reduce our appropriation by 3% as reserve. We have been asked to reserve approximately \$312,000. Because of the shortfall last year, we propose to request to pay off catch-up billing from past fiscal year at \$104,200, therefore we would like to request that we only reserve \$208,000 will offer us ability to fill 3 Guardianship Representative positions that are vacant, along with other vacancies as well. GAC runs 9 offices on \$884,000, we pay rent at three of the offices. Data and telephone lines are expensive for all our offices. We also have mandated travel to visit wards and clients, and legal proceeding we must attend to, so it is important that our travel line stay intact with the least amount of decrease possible.

We would like the contractual line to remain as it and exempt it from the reserve. There are some unknowns in regard to moves. We may also be looking at possible office moves (Rantoul/ Springfield) Although CMS has said there might be money to help, Tipsord fears that we may actually have to be prepared to pay all of it.

Current expenditures FY 2008: Our 2008 budget is virtually all spent. We are down to \$3,251.00 in GRF. In all her years the CFO has ever seen our appropriation so low. We have money in the GAC fund to purchase a new Ford Focus that has already been ordered, as we lost two vehicles this past year.

ACTION ITEMS

Minutes: Commissioner Ryg stated in program reports for OSG it indicated 1000 wards are being moved- the figure was a typo and it is 100 wards. Rossi said she would make the changes. Director Milano also brought to the attention of the Commission another typographical error. On the 2nd page under Auditor General Report first paragraph - rational should be rationale. A motion was made to approve the minutes, it was seconded. No discussion. Unanimous approval.

HRA Appointments and Reappointments: Director Parks briefly explained some of the appointment and re-appointments to the HRA, as there was a revised list which emerged prior to the meeting. Director Parks stated that the actions have been supported by the regional authorities. One HRA member has submitted a resignation from one area and an appointment to another. This is because he is moving regions based on his geographical location. A motion was made to approve all with a single vote. It was seconded and unanimously approved.

HRA Removals: Director Parks asked the Commissioners to support the removal of a HRA Regional Member for neglect of duty (missing three consecutive HRA meetings). She described the specifics of the case, including the steps that had been taken to contact the member through written notice. The removal was included in the above motion which was seconded and approved. There was no discussion.

PROGRAM REPORTS

Office of State Guardian, Director Helen Godlewski: Director Godlewski stated that OSG serves as guardian for about 4900 ward in Illinois, and our wards live at about 1600 different placements and locations. Currently the average caseload per worked is about 125. This past fiscal year we were able to move about 50 wards out of state operated developmental centers and into community setting we also have about another 50 placement packets pending. This represents about 10% of our population which is significant. We have moved wards into the community settings at this rate for about the last 9 to 10 years. Nine years ago the population in State Op was about 900 now it's about 450. OSG's greatest concentrations of wards in state operated centers are at Jacksonville, Shapiro, Howe, Ludeman and we are looking to decrease these census levels in the coming fiscal year. Director Godlewski wants to thank regional staff for assisting with these moves they are very time consuming.

Tax Return Project: This year, unlike previous years we are actually looking to review each ward for eligibility for the federal stimulus payment. We have filed 800 returns for our wards and have encouraged facilities who act as rep payees for our wards to file another 1400. We are still trying to gather info for about 1700

wards. About 1000 wards are ineligible because they are SSI recipients, and are not included in this project, unfortunately. This money, around \$300 per ward, can help them buy clothing, go out on outings and purchase personal items. The deadline for the project is October 15 and we want to have every ward reviewed by August/ September. Director Godlewski wants to thank regional staff and fiduciary staff for assisting with this project.

Staff Vacancies: There are Guardianship caseworker vacancies in our regions in Metro East, Rockford, North Suburban additionally, we have numerous staff out on extended leave and illness we are proud to say that bargaining unit staff, merit compensation staff and executive staff are all working together to ensure we are meeting our visit mandate and all of our wards and being visited as needed. Currently there are four uncovered caseloads (about 500 wards) and we expect additional attrition in the coming year.

Budget: Commissioners discussed the budget situation in the state.

Human Rights Authority: Director Teresa Parks

Staff: HRA continues to have 2 vacant staff positions and are hoping to fill at least one of the vacancies. The position has been posted for the Peoria Region and the HRA hopes to find a candidate soon. The region has been uncovered for about 2 years. There is another uncovered Region, East central, staff work together to cover the region. HRA is also scheduling a statewide staff meeting, to do training and discuss programmatic issues; hopefully this will take place some time in the fall.

Volunteers: On the current volunteer situation, with today's appointments, HRA has 11 member vacancies. Most are in the northern part of the state, including South and North Suburban Regions and Rockford.

Media: There were two Chicago Tribune articles recently printed that have relevance to the HRA's work. One article pertained to patient on patient abuse at Riveredge Hospital. HRA has had numerous investigations at that hospital and the reporter accessed some HRA public records and referenced at least one HRA case. The article also made reference to House Bill 5492 (legislation sponsored by Representative Ryg). The other article pertained to conditions at Cook County jail. There was an HRA case closed earlier this year, concerning forced medication, on the mental health side at Cook County Jail. HRA made some recommendations concerning protections and the case resulted in policy and procedural changes that protected detainees with regard to mental health code rights. HRA has reached out to their contacts at Cook County Jail to follow up and offer assistance.

Uncovered Regions: The HRA's two largest uncovered regions are East Central which expands about 23 counties and Peoria which spans about 17 counties

Legal Advocacy Service: Veronique Baker, Director

The Legal Advocacy Service over the past 6 months, have provided service to 6 or 7 hundred clients. A number of petitions are filed each month and many are dismissed for various reasons. A new commitment standard went into effect on June 1st, and LAS expected an onslaught of filing new petitions however that never materialized. The 3rd prong of the statute is not being used at all in Cook County the States Attorney is not comfortable filing under the provision and that has been the situation around the state, no dramatic increase in filings yet. LAS will monitor.

LAS received a request from a public defender in Mc Lean County, on notice of appeal, to declare the part of the statute unconstitutional, this case was assigned to an attorney in the Egyptian area. LAS will review the specifics case and will decide if that's the case to bring to challenge or will it be another case.

The move to take over the commitment schedule in Will County has been successful. It's dramatically increased the cases in the Will County/ Tinley Park area, it ha also helped in cleaning up the way commitments were being handled out in Will County. Our attorney has done a great job in educating judges attorneys and hospitals on how the commitments should be completed according to statute. The judges are committed to doing things the proper way.

LAS held a statewide meeting, and discussed the implementation of the new commitment standard. Also LAS restructured the way briefs are handled and made some internal changes to redirect resources in a way that makes sense.

There is a move to have commitment hearing done by teleconference; the idea is in its early stages. LAS is opposed to this for a number of reasons:

1. The logistics of having 2 attorneys to work the case is impossible given resources (one at the hospital one at the courtroom)
2. Clients have a right to be present with judge

This is coming out a concerns from doctors not wanting to travel to court for petitions they filed. LAS feels that is it was important enough to file, it should be important enough to attend the court hearing to testify. A brief was filed by the Illinois Psychiatric Society, in LAS's meeting with Judge Mc Gann, the brief was in support of the use of telecommunications. The Director is in the final stages of completing LAS's response to the brief explaining why this not appropriate. Although there may be counties where this might appropriate, the county where this is originating is cook. Judge Mc Gann discussed reestablish mental health court in Madden, or in the far northern part of the cook county area in a hospital.

New Commitment Standard- Representative Ryg asked questions in regard to the new commitment statute. She asked what the 'third prong' represents. Director Baker explained that this prong states that the person has been compensated and they are not able to fully appreciate that there is a need for hospitalization or medication; that they are a danger to themselves or others; that they are not able to take care of themselves without assistance from family or friends. This represents a real weakening of that requirement, Director Baker thinks a lot of State attorneys don't know how to proceed under the third prong and prefer to proceed under the first two. Ryg mentioned the driving force behind the policy was the families and NAMI, and professionals who are opposed said the existing law was adequate. The families however pushed and got the last part of this law passed.

Department of Mental Health held training around this issue in Chicago and in Springfield, and unfortunately there were no real concrete solutions. People walked away with the sense that they would just have to wait and see what happens to determine how this will play out. People filing the petitions couldn't get the information they needed. Additionally, many felt the prong is not needed and the judges won't know how to proceed in hearings. Much frustration is expressed by many entities and stakeholders concerning the lack of mental health services.

Director Compensation: Commissioner Bryson asked about the commissioners' role in the evaluation and compensation review of the Director he asked if the staff could clarify the commissioners' role and also asked if any written guidelines in regard to these matters exist. John Wank stated that the guidelines are vague there are no written guidelines as to how to proceed. What you do have to look to is prior practice, how other commissioner approached the matter with other agency directors. Before Director Milano, at GAC, the consensus was even though the Director is outside the personnel code elements of the process were useful for employment purposes. Commissioners in the past were comfortable had the criteria spelled out in writing the same as. The commission rules enable commissioners to create a personnel committee to deal with the issue. Historically that is the way the commissioner chair has handled it. Commissioners can also look at the current merit compensation employees and determine based on that practice what might be appropriate for the Director.

OTHER BUSINESS

Representative Ryg wanted to mention in terms of recent new articles, Howe Developmental Center is getting a lot of attention and would appreciate the feedback of the IGAC. Director Godlewski mentioned we have 43 wards at

Howe. IGAC is aware of the recent deaths at Howe reported in the news. In the past 5 years, we have only had 3 deaths at Howe; these people were elderly and had medical conditions. Howe is assigned to one caseworker with a small caseload so she can be on grounds as much as possible, at least two times a week. Our census, over the past five years, has been dramatically reduced. Hearings were held on institutional care versus community based care and it's hard to get a clear and broad picture from family members. Director Milano stated IGAC can provide a voice of experience and objectively without necessarily advocating one position or another.

Commissioner Bryson wants to understand better of the whole bonus situation that exists in state government. Bryson feels this caused some of the problem with regard to the Directors' Compensation last year. He asked for anything in writing which could establish the commissions' role. Director Milano will get the information to Bryson.

Information and materials for the next commission meeting will be forthcoming

ADJOURNMENT

With a request from the chair, a formal motion was made to adjourn. The motion was seconded and it carried. Meeting adjourned at approximately 2:45 pm.