

## COMMISSION MEETING MINUTES

April 7, 2009 1:00 PM

### Video Conference sites:

**James R. Thompson Center**  
**100 W. Randolph, Rm. 9-036**  
**Chicago, IL 60601**

**500 ½ Stratton Building**  
**Springfield, IL**

**Lawson Hall, Rm. 105**  
**SIU Carbondale, IL**

### MEMBERS PRESENT

Dr. Seymour Bryson, Chairman (Carbondale)  
Representative Kathleen Ryg  
Representative Angelo "Skip" Saviano (via phone)  
Kenley R. Wade (via phone)  
Andrea M. Schleifer

### MEMBERS ABSENT

Inez Torres Davis  
Senator Ira Silverstein  
Senator Don Harmon  
Anthony E. Rothert

### GUEST

Patricia Werner, Staff Attorney Legal Advocacy Service

### EXECUTIVE STAFF PRESENT

#### *Chicago*

Dr. Mary L. Milano	Executive Director
John H. Wank	General Counsel / Deputy Director for Programs
Veronique Baker	Director Legal Advocacy Service
Bobbie Fox	Associate Director Human Services
Helen Godlewski Brownfield	Director Office of State Guardian
Florence P. Martin	Private Secretary to the Director
Gina Rossi	Director of Policy and Training
Constance Umbles-Sailers	Confidential Assistant to the Director

#### *Springfield*

Carol R. Tipsord	Director of Fiscal Operations
Teresa Parks	Director Human Rights Authority

The meeting convened at 1:00 PM; Dr. Seymour Bryson, Chairman presided.

There was not a physical quorum; 6 commissioners were present, however, one was on the phone due to municipal elections (Saviano). John Wank explained in the past this situation was handled by taking action on business with the understanding that anything discussed would need to be

reviewed in the future and ratified by a full compliment of commissioners in a way that would respect the statute quorum requirement of having 6 commissioners present.

Discussion then began regarding Director Milano's evaluation and compensation. This item had been carried over from the December meeting and several meetings prior; her evaluation was to have been concluded in October 2008. Chairman Bryson stated the commission wasn't prepared to discuss this item because he had yet to receive materials he requested that was to be discussed with the committee. John Wank responded that the requested materials were mailed to Chairman Bryson and other members of the committee (Commissioners Anthony Rothert and Inez Torres Davis) in early January. Chairman Bryson also stated that he'd asked for a report from Director Milano who answered the additional information was sent in January also and thought that there had been some subsequent discussions that indicated what the procedure was.

Commissioner Bryson, in his opinion, felt that in the absence of a formal review process that was agreed to, it would be difficult to not accept the current recommendation. He'd also previously asked for suggestions on how to handle this process in the future, to establish some guidelines to be created. Director Milano indicated that she understood what he was requesting for a separate issue for the future but did not think that request had an impact on the current discussion.

December 2008 minutes were consulted to clarify discussion on the topic. After reviewing the minutes, Director Milano stated exactly what materials she'd sent to Commissioner Bryson and also posed the question of whether staff should be dismissed during this discussion. Chairman Bryson requested that the meeting go into closed executive session with only the Director and commissioners.

## **Director's Report**

### **Dr. Mary Milano**

Director Milano stated that since the last meeting the commission has had a very profitable period of time. Hiring has moved along considerably: Constance Umbles-Sailers, was introduced as the new Confidential Assistant to the Director, a position that was formally occupied by Gina Rossi who has been promoted to Director of Policy and Training. There has also been progress in hiring front line and supervisory staff and we currently have 5 position openings that are in the process of being filled between now and the end of the fiscal year. There are a couple of positions that will hopefully be covered in next year's budget. These additions will be helpful in carrying out responsibilities in each division of the commission as well as any ancillary work. Connie will devote a substantial portion of her time working with Gina to master the volunteer program and hopefully take it to the next level. There is also a contractual position outstanding for some administrative work to increase and enhance the volunteer provisions along the lines of what has been designed by Gina Rossi but has not had enough personnel to implement.

There has also been a fairly substantial legislative initiative in the past year which so far has been progressing better than hoped. We owe a lot of that to the work of Representatives Ryg and Saviano as well as Senator Silverstein. We have proposed legislation in several areas; one being the hospital emergency release statute that was begun last year and has in one form or another passed both houses. We also have proposed the amendments to the enabling act that was approved

at the October 2008 meeting. We supported the uniform guardian act and it is at the same place. Additionally we requested Senator Schoenberg to amend a bill he had pending in the senate which implements loan forgiveness for certain classes of attorneys that enter public service; we requested a specific amendment to that act which would include those who work for us in our various divisions. There were other amendments proposed by other public bodies, ours was ultimately incorporated into the act and that is progressing. With regard to public guardians, we have drafted legislation that we believe would enhance the governor's ability to address vacancies in counties where public guardian candidates were not typically available and at the same time raising standards for public guardians across the state outside of Cook County. We also contributed, particularly through John Burnet's assistance, in drafting a bill supported by the Illinois Coalition Against Sexual Abuse which involves disabled persons who presented hospitals with evidence of abuse and enables certain evidence to be taken without the consent of their guardian, particularly addressing an issue that was present where private guardians could also be in the position of abusers which has also moved through both houses.

Director Milano commended both executive staff and front line level personnel for the work that has been done on legislation. There has been testimony, contributions and ideas across the agency that has garnered an amazing response that we hope to build on. The agency's guardians, lawyers and HRA staff are in a peculiarly good position to be able without any self dealing or self interest on their part or the part of the agency to observe issues that occur consistently within the service framework, within the judicial framework and elsewhere and to bring those issues to the attention to the legislature and other interested parties and gain a consensus to enhance public policy. The initiative is over and above the responsibilities that the personnel typically have. Representative Ryg added that it was an amazing legislative agenda, very powerful in terms of identifying areas where the laws were inadequate and where there were gaps in the system that left people vulnerable and an amazing amount of work that went into the legislation. The involuntary sterilization bill was so well drafted that it required no amendatory language in the judiciary committee, the toughest committee to pass. There was not a single question and that is a result of good task force work and preparation. That is a significant accomplishment in improving the law to protect people who need protection. Ryg also mentioned, it was evident when the bill was presented that people were shocked that we needed laws to cover this because they thought it was already covered. The work is very important, and Ryg stated it is a pleasure to know that there is so much expertise and such a collaborative effort with other organizations. This is an indication to the legislature that the issue is important and needs to be addressed and that's really big. Commissioner Schleifer commended both Representatives Ryg and Saviano saying that sponsors are also important. John Wank pointed out that there are 2 other commissioner Representatives in the General Assembly and the interesting thing is that all 4 had an opportunity to involve themselves in the presentation of commission sponsored legislation. He and Director Milano had the opportunity to see the commissioners working in their roles as legislators and feel it's not a coincidence that the bills are moving forward because IGAC has tremendously effective legislators serving on the commission. Director Milano stated that it gave her a whole new view of what legislators do and can do. She also stated that the attorneys on staff have been extraordinarily active in the policy and legislative initiatives of the Illinois State Bar Association as well. Again this is over and above anything that they can be compensated for, even in terms of their membership, but they have had a significant contribution.

Director Milano continued noting that one major issue before the commission is the upcoming budget. The figures under debate represent a cut for the agency in two different ways, one formal and one a result of overtime we are now being required to pay for on-call responsibilities which has been estimated to be the equivalent of 2 or 3 full time positions. When IGAC testified before the house appropriations committee the agency requested consideration of an increase in the proposed appropriations of \$160K to cover those costs so we would not have to layoff or stop the presently successful hiring process as well as a restoration of the 3% in personnel cut that we were required to take. Restoring that amount would enable IGAC to finally put 2 to 3 people in positions of service in the central state area comprising about 24 counties that do not have resident staff in certain areas and have not for some time. We're hopeful based on discussions with Representative Feigenholtz, the committee chair, and will continue to pursue. Given the current fiscal situation of the state obviously IGAC has no way of controlling or guaranteeing anything but we are hopeful that there are voices that are listening.

Director Milano closed by once again thanking staff at every level for their commitment and reemphasized that she feels there is no other agency in the state that has the quality or caliber of expertise and commitment that the commission is fortunate to have at every level.

### **Legal Programs Report      John Wank**

John Wank mentioned that the Uniform Guardianship Bill made it through both house and senate and is headed to the governor's office hopefully for his signature. He stated that Illinois would be the 7<sup>th</sup> jurisdiction, the 6<sup>th</sup> state to enact this law. The representatives from the Uniform Law Commission, a Chicago based organization that is concerned with the passage of such laws, is very happy with how things progressed and is especially happy with the sponsorship behind the bills, Representative Ryg and Senator Silverstein. It is believed that we'll see some benefits from the passage of the bill and that we'll have an easier time when our wards travel outside of Illinois; we're hopeful that we'll be beneficiaries for the legislation. Lastly representatives from the National Guardianship Association and Illinois Guardianship Association are also very pleased with the passage of this legislation.

Wank then turned attention to Governor Quinn's focus on transparency and openness in government. One of the first executive orders was to instruct each agency to conduct an internal review focusing on the way in which they handle Information Act requests and provide basic, common information to Illinois citizens. IGAC reviewed its procedures and presented the findings to representatives from the governor's General Counsel's office and are waiting for their response. The initial feeling is that we already have a solid framework for meeting these mandates, making it possible for Illinois citizens to obtain the most likely information from our agency. Our intent is to make some adjustments to the website, increasing the amount of information that is posted on the site making it publicly available to anyone who wants it. We found that we've satisfied the majority of Information Act requests going back nearly 8 years; a percentage of 60-70% of the requests were satisfied exactly as the requestor wanted. The remainder of requests weren't denied it was just indicated that there was no document that exists that addressed the particular issue. In the near future we will be in even better shape and should be proud of how much information IGAC has made available to the public. Director Milano stated that as a matter of policy the

agency has always attempted to respond immediately and openly and as affirmatively as possible because the agency believes that the public is entitled to the information that they request.

## **Fiscal Report          Carol Tipsord**

Our final FY 2010 budget submitted to the Governor's Office of Management and Budget was \$9,897,800. That will support between 115 and 117 headcount for next year and will continue to operate the 9 regional and 4 satellite offices we have throughout the state. Our current headcount is 112 with 4 people being out on medical leave of absence, resulting in us currently paying 108. We hope to restore that number by hiring the vacancies mentioned by Director Milano. Our average actual working staff during FY 2010 will be about 114 at any given time based on the proposed budget and monies we think will be appropriated to us to do our work. The actual decrease in funds for next year was about \$719.6K but it is only a \$245K decrease in personal services, the remainder is covered in retirement. This is due to the rate going from 21.049% to 11.347% for next year so that cuts the budget down quite a bit. The actual cut in terms of what it will do to us is the \$245K in personal services. The shortfall will be covered by hiring lag, vacancy rate, attrition and only hiring those people we need after we lose someone by attrition.

Hopefully we will be able to purchase the 2 vehicles that we requested this year. We have one vehicle with over 200K miles and another with 126K miles, so if we are able to obtain those vehicles this year we will be in a very good position.

## **ACTION ITEMS**

### **Approval of minutes**

#### **Corrections:**

Chairman Bryson was in Carbondale, not Springfield

Saul Morris was not present

Don Harmon was present

Commissioner Schleifer asked for clarification on the number of positions available in the Director's report (Director Milano discussed 5 primary positions but the total outstanding were 10)

Correct the spelling of Commissioner Torres-Davis' name

Motion to approve minutes with correction was made by Representative Ryg; seconded by Commissioner Saviano.

### **Human Rights Authority    Teresa Parks**

Director Parks presented numerous new appointments and reappointments for regional authorities. She noted that there was a resignation that came in after submission of the list of materials for the meeting. Peoria Authority candidate, Sheen was added to the submitted list. This will change the appointment time of Dolores Sheen of Peoria authority allowing her to be appointed immediately instead of the proposed June date. New appointments and reappointments all come by recommendation of the various regional authorities.

### **New Appointments**

Edith Bukwa	Chicago Regional Authority
Annette Becherer	East Central Regional Authority
Tina M. Bennett	East Central Regional Authority
David J. Carlson	Northwest Regional Authority
Dolores Sheen	Peoria Regional Authority
Flora S. Knutson	Peoria Regional Authority

### **Reappointments**

Alphonso Farmer	Egyptian Regional Authority
John Barrett	North Suburban Regional Authority
Patricia Getchell	North Suburban Regional Authority
Dean B. Steiner	Peoria Regional Authority
Carolynsue Wolf	Peoria Regional Authority
Theresa Buell	South Suburban Regional Authority
Carol Genutis	South Suburban Regional Authority

### **End of Term**

Marlys D. Buelow	East Central Regional Authority
Mary McMahan	Egyptian Regional Authority
Pamela O'Conner	Egyptian Regional Authority
Barbara Runyan	Peoria Regional Authority

Motion was submitted on recommendations with modifications by Chairman Bryson. Motion was passed contingent upon ratification at the next commission meeting.

An enforcement referral was sent to the commission's attention after HRA's March meeting concerning Pekin Community High School. The case involved a student receiving special education services whose IEP was not being followed. HRA wrote a report detailing findings and made recommendations; the school chose not to respond, even after repeated reminders that they are required to respond. According to regulations providers are supposed to respond within 30 days. What HRA asks of the Commission is to consider sending an enforcement referral to the Illinois State Board of Education asking that they enforce their recommendations. In this particular case the student did eventually return to school but encountered a similar disciplinary situation a few months later, ended up back in jail unable to complete the semester. The school is threatening that she will not be able to participate in graduation ceremonies. Teresa acknowledged Patty Werner, LAS attorney, has been a resource to the family and has helped facilitate advocacy and the student's discharge from an inpatient unit and is working with the family on the graduation issue.

Motion was made for the commission to send the case to the State Board of Education for enforcement referral. Motion was moved by Representative Saviano, seconded by Commissioner Schleifer and motion was passed contingent upon ratification at the next commission meeting.

Representative Ryg asked that since a letter was sent to the school superintendent were the school board members also copied. Teresa answered in this case the Authority felt they needed to interact with the superintendent who was more directly involved in the situation, but it can be done as part of the enforcement action. Representative Ryg said it would be helpful to give the members notice, while they should be made aware from the superintendent, there would be no question if they get copied on what is sent to the state board.

HRA's final issue concerned enforcement issues the commission handled in the past year against Pine Terrace, an integrated care facility for persons with developmental disabilities and Emma Place, a CILA (Community Integrated Living Arrangement). The complaints had to do with visitation rights and community access. HRA had findings against both providers but no cooperation from either in changing their practices. In the case of Pine Terrace a resident wasn't allowed to go on a home visit with a family, saying that he'd done it in the past, only to be told that it was the facility's practice not to allow people to go to the homes of anyone other than their family or guardian. At Emma Place they threatened an OSG ward with not being able to attend church services with a church member unless there was a signature on a liability waiver. HRA tried to work with the provider and could not reach a negotiated conclusion. The Commission approved enforcement referrals to Illinois Department of Public Health for Pine Terrace and Department of Human Services for Emma Place. HRA did not get the response they were hoping for: Department of Public Health responded with a rights finding but they did not change practice. HRA now asks that the commission take further action on the issues perhaps sending information to accreditation bodies, federal funding sources to the corporations or perhaps Equip for Equality that often engages in class action situations.

Chairman Bryson asked if this was normal procedure to send to these organizations or would the Commission be setting a precedent. Teresa Parks stated that since she has been with the Commission she'd never encountered a situation where there was dissatisfaction with an enforcement referral. Usually the response is satisfactory, it is sent to the enforcement body and that's all. She also noted that in February she participated in a meeting with the Office of State Guardian with Helen Godlewski asking the providers one more time in an attempt to ask them reconsider their positions in these cases and got no response again, even with follow up correspondence after the meeting. John Wank said this would not be setting new precedent; it is not unprecedented for the Commission to refer something to a federal supervising authority. In the past the Commission has reported to the Department of Justice and has taken matters to the agency that existed prior to the one that was mentioned in relation to providers operating under the Medicaid rules. Representative Ryg requested that given the unique circumstances in the change in administration and the role that may have played in terms of the agencies that should have taken action that we try once again with a letter from the Commission itself, naming all of the Commissioners, stating, we are very concerned about the lack of response. She had concerns about bringing in the Federal level until we really know this Administration is not responding. The transition has been difficult at the agency levels and may be good to give them one more opportunity. There are many OSG wards residing in these facilities across the state. Helen Godlewski stated that they have group homes everywhere and are known by about 6 or 7 different organizational names and we have close to 300 wards being served by them. Commissioner Schleifer asked why they changed their policy. Helen Godlewski said they had concerns regarding

liability and so OSG redesigned the form so that perhaps the guardian can sign and use but they didn't adopt it. OSG tried to introduce this a few years ago and then met again in February and they were not very receptive. Teresa said while the facility says it is a new policy they had a similar issue with the same facility several years ago. They indicated that they would comply with our recommendation so we took them at their word and then we received a complaint about the same issue several years later. Commissioner Schleifer said she would support Representative Ryg's recommendation. Representative Ryg stated that she also feels it is important to put some pressure on in terms of time lines; that if there's not a response by a certain date further steps would be taken including going to CMS and Equip for Equality. A motion was made by Representative Ryg to send a letter to the Illinois Dept. of Public Health and the Dept. of Human Services and seconded by Commissioner Schleifer. Motion was passed pending ratification at the next commission meeting.

## **INFORMATION ITEMS**

### **Office of the State Guardian          Helen Godlewski**

The OSG continues to serve as legal guardian for over 4900 wards statewide. Our wards reside in virtually every county in 1600 different placements. For the first time in the history of OSG there are now more wards living in community based settings than in institutional based settings. This is due to the great efforts of the regional staff. Their continued commitment to community placement initiatives is to be applauded. We were able to bring on 4 new guardianship representatives: 2 in Metro East, 1 in Rockford and 1 in Des Plaines. This has greatly helped in caseload management. There are still 2 front line vacancies in Peoria region but are in the midst of interviewing and selecting candidates for those positions. Unfortunately Peoria region now has one of the largest caseloads in the state; they range at about 200 cases per worker where other caseloads are averaging at about 121 cases per worker so they have really taken on a lot of additional responsibility in that central part of the state. In terms of staff development we continue to train staff and provide them with CEU opportunities. There will be staff training in Springfield on April 21 in conjunction with Illinois Guardianship Association's annual meeting and conference. Director Milano will be speaking at that conference and Gina Rossi will be named President of the IGA at the conference and will be serving that term through the middle of 2010. Howe Developmental Center has about 35 OSG wards living there now. OSG has moved about 50 wards over the past 5 years. The remaining wards are split 50/50; we're looking at community placement alternatives for 18 of the wards and 17 of the wards will probably need continued placement in a State Operated Developmental Center. Should Howe close case workers will make referrals on other state operated developmental centers until those individuals are stabilized. Lastly gratitude was extended to the IT staff who have taken on the fiduciary responsibilities for the past 5 months logging checks for wards, following up with disbursements, 1099's and tracking direct deposits. They have been very instrumental in keeping that part of the organization going. They are now helping train the new fiduciary manager on our software system and their effort is greatly appreciated. We are still processing tax returns for the wards and the regional staff has been reviewing all of the financial cases for each region. Bill Scheidemantel and Jeff Derrick will be processing those returns in the coming days.



Director Milano made the commissioners aware of the resignation of Dan Sluga, a valued member of the IT staff who has secured an advanced position with another agency. We have really benefited from his work with the agency over the past 13 years and while we are sad to lose him we are happy for him and his family that he has secured a promotion.

### **Legal Advocacy Service**

### **Veronique Baker**

The LAS attorneys consistently provide representation to about 600 or 700 recipients every month. We have recently filed a constitutional challenge to the commitment standard. Patty Werner along with the assistance of other LAS attorneys were very instrumental in getting that brief filed. She is currently working on another constitutional challenge to a different prong of the commitment statute. Laurel Spahn had an opportunity to argue one of her briefs in front of the Illinois Supreme Court and we are awaiting a decision. LAS attorneys around the state are conducting trainings: Patty will be doing training on April 17 at Northern Illinois University along with fellow LAS attorney Andreas Liewald. Laurel Spahn will be doing training with the Department of Aging later in the month. We have branched out and are assisting people with drafting their power of attorney for health care and mental health treatment. The amount of work these 11 attorneys do is impossible to reflect in the statistics you receive every month. It is amazing the amount of dedication they have to their clients. On average these attorneys represent more than 200 clients each on an annual basis. Ms. Baker stated that most of the attorneys have been here over 10 years, the turnover is not great, and after all this time they are still very, very dedicated. She is very proud to work with people like this and wanted the commission to know it was almost impossible for them to grasp the amount of time and man hours they give based merely on statistics.

John Wank reminded Chairman Bryson that spring is the time the Commission has a committee make recommendations regarding the selection of officers. At the last meeting Representatives Ryg and Torres Davis agreed to report back to the full commission with their recommendations. This is another action item that will be presented to the full Commission at the next meeting.

Chairman Bryson asked if the committee was ready to make those recommendations at this time. Representative Ryg said they were citing that Anthony Rothert has agreed to serve as Chairman and Commissioner Schleifer as Vice Chairman. Motion was made to accept the committee's recommendations by Wade and seconded by Representative Ryg. Motion was passed pending ratification at the next commission meeting. John Wank asked if there was a nomination for the third position of Secretary/Treasurer. Director Milano recalled from Commissioner Torres Davis' report of the committee's discussion that since the Secretary/Treasurer doesn't perform any duties, they would leave that position vacant. Commissioner Ryg confirmed that the committee did not have any discussion regarding that position for exactly that reason.

It was asked that the motion include that they opted to forego nominations for the position for the reasons stated. Representative Ryg asked if there is a requirement for that position or can it be eliminated. John Wank noted that the administrative rules do establish the 3 offices so the commission would have to amend the administrative code. In the past several years the commission has elected to focus on only the top two positions. Representative Ryg said that perhaps we could make a recommendation that the issue be a future item to be considered if it is worth amending the rules.

Commissioner Schleifer thanked Chairman Bryson for his excellent work, particularly in the absence and turnover of other Commission members, stating as a new Commissioner she really appreciated the work he has put in over the years. Representative Ryg expressed her appreciation for him keeping the commission on track.

Motion to adjourn was made by Representative Saviano and seconded by Commissioner Schleifer. Motion was carried and the meeting was adjourned at 2:56.