

# METRO-EAST REGIONAL HUMAN RIGHTS AUTHORITY

## NOVEMBER 15, 2012 MINUTES

The Chairperson, Emil Wilson, called to order the November 15, 2012 meeting at 7:00 p.m. This meeting was held at Cannady and AuBuchon, Belleville.

### PRESENT

Karen Kelly, Member  
Margaret Merrell, Member  
Emil Wilson, Member  
Thomas Cannady, Chairperson  
Dr. Marguerite Riley, Recording Secretary  
Beverly Sweatman, Member  
Kingston Schmid, Vice-Chairperson

### STAFF PRESENT

Michael J. Pintar, Coordinator

### ABSENT

Carol Neudecker, Member  
David Bollone, Member

### GUESTS

### INTRODUCTIONS

The Chairperson recognized that a quorum was present.

The Coordinator read the confidentiality statement that indicates that personally identifiable information should not be presented in public meetings in order to protect the privacy of those disabled persons on whose behalf the HRA conducts investigations.

The Chairperson asked for changes in the agenda there were no suggested changes

### MINUTES

The members reviewed the stated minutes of the September 13, 2012 HRA meeting and considered them for approval. Members present agreed to approve the minutes based on a motion by Emil Wilson, seconded by Marguerite Riley.

COMMUNICATIONS: the Coordinator discussed recent HRA Coordinator training that included details about the treatment of students with behavioral problems and new or improved strategies to address their needs. According to the Coordinator, the Director of the Commission and a spokesman for the Governors office have decided to create a new HRA to be based in Springfield that will follow persons who are effected by the Ligas litigation. The *Ligas v. Hamos* lawsuit was filed in 2005 on behalf of individuals with developmental disabilities who were residing in private, State-funded facilities (Intermediate Care Facilities for Persons with Developmental Disabilities or ICF/DD) of nine or more persons or who were at risk of being placed in such facilities. Plaintiffs sought placement in Community-Based settings and receipt of community-based services. Pintar questioned the viability and legality of such an HRA.

### NEW BUSINESS:

12-070-9035 - a consumer is mistreated by agency staff who will not allow her to live a normal life when staff purposely challenge consumers rather than offering a treatment style of approach when working with persons with disabilities. Upon a motion by Emil Wilson, seconded by Marguerite Riley, members voted not to accept the case for investigation.

12-070-9036 - a consumer receives services and lives in an agency owned apartment. Her treatment team, including staff and Physician do not meet with her to offer a discharge plan. She has made it clear she would like to move to her home, which is out-of-state. The Physician does not want to release her to leave facility who acts as her payee. Agency staff are punishing her because she had a friend in her apartment and she likes to have an occasional drink. She goes to gambling counseling and she has not been in any trouble but the agency will not cooperate with her plan to return home and she feels as though she is being held hostage. Upon a motion by Beverly Sweatman, seconded by Thomas Cannady, members voted not to accept the case for investigation.

12-070-9037 - In February 2012, the media announced that Gov Quinn had decided to close a state operated facility to move residents into community group homes. This was a budget decision, not based on the needs of residents. A letter from the agency Director dated February 24, 2012 indicates that the family will be contacted by Department of Human Services and still the residents and/or families have not received additional correspondence. No one has followed through on this promise or provided additional information. The HRA had a discussion, trying to determine the best way to proceed. Upon a motion by Emil Wilson, seconded by Marguerite Riley, members voted to table case opening. Karen Kelly recused herself from the vote.

13-070-9007 - A young lady with mental illness lives at home and she has become dangerous. Regional agencies are not assisting the family for placement and instead point the finger at one another that the other should be handling placement. In the mean time, the daughter has threatened to harm herself and her father. She was taken to an area emergency room and after assessment they discharged her home, did not offer the family a petition for involuntary admission. Upon a motion by Thomas Cannady, seconded by Marguerite Riley, members voted to table case opening.

13-070-9008 - a consumer was involved in an incident at day training and the agency called the family to report they were kicking him out of the program. The facility wants to move the consumer and his guardian is not prepared at this time because of health issues to take all the necessary steps to ensure that the next move will be his last. Upon a motion by Emil Wilson seconded by Beverly Sweatman the HRA agreed to investigate discharge procedures and that the facility did not report allegations of staff abuse or neglect.

13-070-9009 - A consumer has been held at the center for 6 years without having displayed any safety issues. He would like, at the very least, to move closer to his home in Chicago. The staff have indicated that they agree that transfer or discharge may be appropriate but courts won't allow him to leave. Upon a motion by Emil Wilson, seconded by Thomas Cannady, members agreed to case opening.

13-070-9010 - After another resident's property was misplaced, a 76 year old resident received notice that the apartment management was initiating eviction. There have been no other incidents or warnings regarding eviction. Upon a motion by Thomas Cannady, seconded by Margaret Merrell, members voted to investigate the allegations.

13-070-9011 - a facility will not allow ink pens or pencils - Upon a motion by Emil Wilson, members voted to investigate the allegations.

13-070-9012 - Two consumers stated that they own blankets (personal property) that the facility will not allow them to possess and use nightly. The facility does not offer a notice of restricted property. Upon a motion by Karen Kelly, seconded by Kingston Schmid, members agreed to case investigation.

13-070-9013 - a consumer's false teeth don't fit and the facility would not provide him with appropriate adhesive cream so he sent them home. Now the kitchen randomly grinds his food and it is not done appropriately or rationally. For example it was serving meatballs and onion rings and the kitchen ground up the meatballs and not the onion rings. The consumer has asked to see the dietitian and she refuses to consult with him. Upon a motion by Marguerite Riley, seconded by Thomas Cannady, members voted to investigate the allegation.

## UNFINISHED BUSINESS

Pursuant to Section 721 of the Illinois Guardianship and Advocacy Act and Section 42 of the Open Meetings Act, upon a motion by Kingston Schmid, seconded by Thomas Cannady, the Authority went into closed session at 7:39 p.m. to discuss case progress and reports of findings.

Case Progress Reports:

### V. UNFINISHED BUSINESS

#### A. Case progress reports

12-070-9016 - Madison County Housing - a consumer was evicted & return property

12-070-9034 - Alton Mental Health Center - continuing education/computers

13-070-9001 - Alton Mental Health Center - cancelled computer

13-070-9002 - Alton Mental Health Center - rights on the unit

13-070-9006 - Equip for Equality - guardians oppose interactions at WM Center

#### B. Reports of Findings:

12-070-9022 - Wellsprings - discrimination

13-050-9005 - Alton Mental Health Center -dental services

#### C. Case Closures:

12-070-9023 & 12-070-9024 - Warren G. Murray - facility won't allow DNR & treatment team/adhere to guardian

12-070-9026 - Alton Mental Health Center - phones

12-070-9030 - Alton Mental Health Center - privileges

Upon a motion by Emil Wilson, seconded by Kingston Schmid, members voted to close the above cases. The HRA returned to open session at 8:06 p.m. upon a motion by Kingston Schmid, seconded by Emil Wilson.

Upon returning to open session:

A. Case Progress Reports:

13-070-9006 - Equip for Equality - Upon a motion by Kingston Schmid, seconded by Marguerite Riley, members voted to transfer this case to the Springfield Region upon approval of the Illinois Guardianship and Advocacy Commission's Director. Karen Kelly recused from the vote.

B. Reports of findings:

12-070-9022 - Wellsprings - discrimination - Upon a motion by Karen Kelly, seconded by Emil Wilson, members voted to accept the case report with suggested revisions, pending Administrative approval.

13-050-9005 - Alton Mental Health Center -dental services - Upon a motion by Emil Wilson, seconded by Kingston Schmid, members voted to accept the report of findings with suggested revisions pending Administrative approval.

C. Case Closures:

12-070-9023 & 12-070-9024 - Warren G. Murray - Upon a motion by Kingston Schmid, seconded by Emil Wilson members voted for case closure, making the report a part of the public record and sending a copy of the record to the Department of Human Services' legal counsel, Rob Conner.

12-070-9026 -Alton Mental Health Center - phones - Upon a motion by Beverly Sweatman, seconded by Dr. Marguerite Riley,

12-070-9030 - Alton Mental Health Center - privileges - Upon a motion by Marguerite Riley, seconded by Beverly Sweatman members voted for case closure. The Center's response will not be included in the public record per their request.

Upon a motion by Kingston Schmid, seconded by Emil Wilson, member voted for case closure for all the above listed cases.

ANNOUNCEMENTS AND COMMENTS:

The next meeting will be December 13, 2012 at Thomas Cannady's Law Office 1931 West Main Street, Belleville

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

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Dr. Marguerite Riley, Recording Secretary