

# COMMISSION MEETING MINUTES

## September 20, 2016

### Video Conference Sites

**Chicago:** James R. Thompson Center, Conference Room 2-025

**Springfield:** Capitol City Training Center, 130 West Mason Street, Room 104

### Members Present

Anthony E. Rothert, Chairman  
Andrea Schleifer, Vice-Chairman  
Rev. Barbara Berry-Bailey  
Inez Torres Davis

Representative William Davis  
Representative Michael McAuliffe  
Brian N. Rubin

### Members Absent

Dr. Sharon Jenkins-Collins      Senator Don Harmon      Senator Ira Silverstein

### Executive Staff Present

Dr. Mary L. Milano	Executive Director
Veronique Baker	Director, Legal Advocacy Service
Bobbie Fox	Director, Human Resources
Kenya Jenkins-Wright	General Counsel
Gloria Lasley	Director of Finance & Information Technology
Gia Orr	Director, Community Rights, Relations and Resources
Teresa Parks	Director, Human Rights Authority
Kelly Phelps	Interim Director, Office of State Guardian
Constance Umbles-Sailers	Confidential Assistant to the Director
Michelle Braker	Private Secretary to the Director, Springfield Office
Florence Martin	Private Secretary to the Director, Chicago Office

Meeting was called to order by Chairman Rothert at 1:10 pm. A quorum of 7 Commissioners was present.

The agenda was amended to add a report by Gia Orr, as item 'D', Management Initiatives to the Administrative Reports.

#### **DIRECTOR'S REPORT—Dr. Mary Milano**

After introducing all attendees, Director Milano welcomed everyone to the meeting, pointing out that it was the first opportunity for the Commission to meet since August of 2015. Due to quorum issues in the past it has been difficult to conduct a formal meeting; however, with recent appointments it is hopeful that quorum requirements will be met in the future. She expressed gratitude for the appointments of Representatives Davis and McAuliffe. Having Legislators serve on the Commission is a tradition and they have historically been very active, engaged and supportive of our work and we are very happy to have gentlemen from both sides of the aisle.

It has been an exciting year in many respects, yet a confused one as we are operating without a budget which has presented us with a wide number of challenges, ranging from paper towels and toilet paper in our Alton office-which people eventually brought from home-to basic office supplies (copier paper, toner, etc.) with shortages being supplemented from office to office throughout the Agency. Fortunately our operating budget, well managed by our Chief Fiscal Officer, really did see the Agency through. The downside is hiring lags necessitated by the budget uncertainty is the only way we've ended up with enough monies. We are attempting to address the vacancy and headcount questions as we move forward. We experienced issues with vendors, some of which have cut off the State's credit, but on the whole have been able to operate at a degree of sufficiency to service our wards that was consistent with our practices and aspirations.

We have had some personnel changes at the executive level over the last year. Awisi Quartey, Director of Policy and Training, has left the Agency to join the staff of Senator Durbin's office in Rock Island. After a long career with the Agency, Helen Godlewski retired from her position as Director of the Office of State Guardian (OSG). She was replaced temporarily by Laura Sakas, an equally long serving employee, who resigned as Interim Director as a result of a health issue. We welcome Mr. Kelly Phelps who has been drafted to serve for an interim period. In addition to being an attorney he brings a background in Logistics from the United States Marine Corps as well as Judge Advocate General Service of the IL National Guard, a background in nursing home management and he is also a nurse.

We have seen a number of excursions or penetrations of areas that we have attempted to address in the past, yet the opportunity has now afforded itself as a result of cases and investigations we have been involved in a number of areas that we are very excited about and will be presented more in depth later by the Program Directors. These include initiatives with the Veterans Administration, which has been a challenging relationship; however, we believe that with the help of our 2 Senator's staff-especially Senator Kirk's staff-are making some progress. We have a memorandum of understanding that we are going to present to their Regional Counsel to see if we can get some formality with respect to our activities, particularly in the area of mental health treatment in VA facilities in the Chicago area and throughout the State. We have confronted issues that relate to the quality of care, to best practices and to what we believe is criminalization or criminal treatment of mental health symptoms that might manifest in VA facilities. We also have an interest in the treatment of our veterans in Illinois facilities, particularly the forensic facilities.

We have continued to make strides, despite difficulties in penetrating the layers of bureaucracy, to be recognized as the Agency with the expertise by others because we are so small, in the area of Corrections in the County level in Cook County and scattered other areas of the State. This again relates to the issues of those with mental illness or developmental disabilities in correctional settings.

We have become more engaged in the issues of Youth. Through the Lee Wesley consent decree we already have relationships with the Department of Children and Family Services with respect to ways we represent certain of their wards. We are trying to deepen that relationship and get past some new layers of bureaucracy in Cook County and more informally downstate. We are looking at Special Education; we have an initiative to educate all of our legal personnel both on the guardianship and legal advocacy sides in the special education area, as well as some of our Human Rights Authority (HRA) personnel. We believe it will enable us to use the resources we have in terms of cost effectiveness, speed and human/customer friendliness that will enable people to navigate the areas of Special Education wherever we may find them in a way that is more effective and can be afforded by people. We are also trying to develop relationships with some districts and to build on those relationships we serve on the Governor's Cabinet for Children and Family which has been a very good experience and are related to the Joint Education Leadership Counsel.

We have expanded our program of interns in ways we think will benefit the Agency, as well as the interns, and present a somewhat larger benefit in that we have been able to seek out from the programs that we have become associated with, kids who have disabilities to serve. One of those relationships is a young man from Lake Forest College who is on the autism spectrum who has grown from his graduation from college to becoming a contracted worker for the Agency part-time. He will be doing statistical analysis and data gathering. We have also worked with high school students from Chicago and continue our relationships with the social service schools and John Marshall Law School. We will also have an intern from the University of Chicago's graduate program in Social Service Administration who will be working with us on policy and legislation.

We continue to try and increase our visibility which has the advantage of allowing us to develop a web of relationships that we are able to very effectively give advice or counsel or take positions that are not necessarily associated with a specific Agency advantage. It has the disadvantage in that there are only so many employees to staff the programs. As could be noted during introductions at the beginning of the meeting, several staff members are holding multiple titles and we are running out of situations to keep giving people additional responsibilities. We are facing a lot of retirements this and the following year given the longevity and age of our staff. We are starting several different pilot projects to try to deploy staff in slightly different ways and combinations hopefully to issue a greater degree of efficiency and ability to be in the community. There has been participation in management training in Springfield and in a number of areas are engaged in a seemingly never ending struggle to condense all of the reporting places for the various metrics into some central place. We continue to have this discussion with several of the different agencies that we that we report to as one of the Governor's agencies; question being can we/why can't we develop one place where the different agencies can record information and have one place where everyone is able to find information as well.

### **Legal Report – Kenya Jenkins-Wright, General Counsel**

Counsel Jenkins-Wright wanted to point out a few things that were of direct importance to the Commissioners with regard to the Revolving Door Policy. She noted that now there is an electronic

version of the policy which states “any person who is appointed to an office that is subject to advice and consent of the Senate are included on the ‘H’ list”. This does not include Legislators. What it means is that they do not have to be personally or substantially involved in a contracting decision, but they are prohibited for 1 year after termination of their appointment, of accepting employment or receiving compensation for fees or services from any person or entity that during the year immediately preceding termination, was a party to a State contract with a value of \$25,000 or more. This really doesn’t impact our Agency because we do all purchasing through State contracts, but she did want the Commissioners to know that the rule exists so everyone was aware.

Commissioner Davis asked Counsel Jenkins-Wright if she would offer the opinion or would she consult elsewhere. She responded that she would probably have her initial opinion but her personal way of handling it would be to reach out to the Executive Ethics Commission, specifically Chad Fornoff, would be the person she would contact.

Lastly, she reminded the Commissioners about an e-mail they received regarding a demographic survey. She asked that anyone that had not returned it to her to please do it as soon as possible.

### **Fiscal Report – Gloria Lasley, Director of Finance & Information Technology**

CFO Lasley reported as Director Milano pointed out that that Agency closed out FY16 in good standing after a rough start. She expressed gratitude to all of the Agency’s staff who had been very, very patient while waiting for reimbursements for their travel. There were some vendors that declined purchases for a while, but overall vendors were very supportive during a difficult year. In the end we did get our budget: in the Guardianship and Advocacy (GAC) fund budget we were appropriated \$2.3 million from our other state funds. Because we had budgeted for some IT projects that we had to stall due to the lack of a budget and because our hiring didn’t keep up with retirements, we ended up lapsing \$1.2 million in the GAC fund so that money stays in the fund to be appropriated again. FY17 budget was also approved and will get us through the full year at about the same funding levels from the GAC fund and enough on the GRF to cover payroll to get the Agency back up to its fully funded head count of 108; we are at 97 right now so we have a lot of hiring in process.

Representative Davis asked for clarification regarding hiring. Ms. Lasley explained that the FY 17 budget on the GRF side, which is what we use for payroll, appropriation is over \$9 million which is sufficient to fully fund our approved head count of 108. We are at 97 now due to a lot of retirements and we have about 10 positions that we’re in the process of interviewing or offers outstanding. We have more retirements expected over the course of the year, so we’re working as quickly as we can to hire ahead of or on pace with the retirements to, hopefully, be fully staffed by the end of FY17 with 108.

Representative Davis then asked if positions that need to be filled are primarily field staff and not so much administrative. Director Milano explained that the Agency has decided to move in a different direction with its hiring. For a long time the approach was taken that we need administrative support; however, we may need it but would we function within our budget better in terms of applying those resources to field staff—Guardianship representatives, attorneys, etc. It has been decided that we are going to bite the bullet no matter what the appropriations committee people say and get some support staff that will hopefully be able to help multiply the hours of the professional staff to a greater extent. We are in the process of hiring a paralegal for the OSG Estate unit in Chicago, as well as a position we’re calling an Executive 1 who will be an administrative ‘handy-person’ servicing the Legal Advocacy Service (LAS) and HRA servicing East Central and Springfield. We continue to try with our lawyers and give them

some possibility of cross divisional responsibilities as well. We've temporized in terms of office support, through the use of temporary workers and contracted individuals. We would like to be able to create some additional administrative support positions. One of the pilot projects we're about to start will give people a greater degree of flexibility within OSG and may develop into an experiment with shifting how people are configured. Representative Davis then asked in terms of the Agency's ability to hire, if it has to come through the Governor's office or is it an Agency decision and, in terms of field staff, is the goal to lessen or balance out caseloads. Director Milano stated that the Agency would certainly like to lower caseloads as they continue to be overwhelmingly high. The Agency is also trying to look at ways of lessening the burden on what individuals do. If we can't lower the caseloads, can we make it easier for them to carry it? By taking away some of the administrative work or putting them in closer proximity between their own residences and where their wards are located or by splitting up one or more of our regional offices; we are looking to possibly establish a south suburban satellite because we have a high concentration of wards in the south suburbs and near south side. In the Legal Advocacy Service (LAS) we're looking to expand the number of circuits and counties that we can serve. There's a large portion of the center of the State that is untouched. As of now we have one LAS lawyer in Springfield, no one in Champaign, because the Governor's office has a freeze on hiring lawyers; however, we are working to get that freeze lifted for because our attorneys aren't agency lawyers they're lawyers who perform services for the public. We've been able to bring an LAS staff attorney for the first time to Chicago, aside from the LAS Director, and we may be able to get another one as well.

Lastly Representative Davis asked if, perhaps not for the current fiscal year, but going back 2 or 3 years, he could be given a sense of the Agency's appropriations ask. It was determined that CFO Lasley would provide information for all of the Commissioners on the ending ask and also the models because in each case the Governor's Office of Management and Budget (GOMB) requests several different models of what is needed. We usually try to get to a maintenance budget, meaning we generally need some type of an increase due to personnel costs, etc.

### **Management Initiatives – Gia Orr, Director of Community Rights, Relations & Resources**

What the agency has been focusing on our need to collaborate internally and externally and to get GAC in a place where people were more familiar with who we are, the work that we do, the clientele that we serve not only through OSG but also the clientele and the services that we are able to provide for citizens throughout the state. Ms. Orr spoke of the different "systems" that are in place to collect information. Some have been discontinued by the new administration, there are some new ones and some systems have been combined. However; as Director Milano referenced in her opening remarks, there is a need for a single, combined system where information is collected in one place, making access user friendly for all.

With this in mind Ms. Orr has taken all of the Agency's projects and ambitions and initiatives and began to utilize them in all of the various systems. There were times when the different key terminology had to be used, i.e. what is termed a 'goal' for one system is an 'input' for another. She has asked members of different groups if they could visualize a time where all information would be in one place, using the same terminology at least to identify goals, outcomes, input and activities. It is our hope that it can be eventually designed.

Until such time, the agency continues to utilize various systems:

- The Illinois Performance Rating System (IPRS) where data is collected for the Budgeting for Results Commission;

- The Enterprise Portfolio Management, which is a SharePoint that came under the new DoIT (Department of Innovation and Technology) agency. It utilizes different portals, i.e. Chief Results Officers have their own portal.
- We're also using another SharePoint, Rapid Results, which is a play on words from Lean Six Sigma, a business phrase, but in order to utilize it for government it is being called Rapid Results.

We believe we have gotten to a place where everyone in the entire team is somewhat comfortable with projects that we're utilizing and all projects are being used in the various systems.

Various goals, or as they are known in the Governor's Cabinet, PBOG's-Professional Based Outcome Goals) we hope to accomplish are:

- Quality analysis of trends and co-relations. What is our data quality? Do we have the data, and our reporting to outside entities; does it look and sound the same? One of the things we are using as a project in this area is to forecast future demographic trends utilizing multiple metrics of data such as the US Census, Department of Human Services (DHS), Department of Children and Family Services (DCFS), Healthcare and Family Services (HFS) etc.
- Coordinated community systems: internal and external systems and our willingness to collaborate. The strategy that we're using is to try and build a modular citizen engagement informational system. Down the line this would be a legislative ask and would take some work with DoIT to get a system in place where people can have training, that's mandated by the courts, in establishing guardianship over an individual. If someone is willing to do that, there should be some mandated training that they should go through to qualify. It would be facilitated and provided through a platform through GAC.  
Commissioner Davis inquired about the mandated training and asked if there would be any cost involved. Director Milano explained that the Agency is working on a piece of legislation to introduce the concept of this type of training. It is mandate that has not been imposed by anyone else. The Agency desires to see a system put in place similar to one used in family court when parents want custody. It would involve a relatively discrete amount of training on things such as the rights of wards. A lot of guardians, particularly in the private area, know they have certain responsibilities but may not understand that wards may also have rights and there may be aspirations as well as the legal framework of what people are supposed to do. It is the Agency's hope to find a way to make it as cost effective, if not free, by doing the content ourselves and making it available to the courts in whatever fashion they would like in their circuits; be it in the courthouse or perhaps in a public library or wherever. We think that there are a lot of people who would like to do a better job as guardians or would like to do the right thing if they knew what the right things are. Commissioner Davis expressed concern that the term *mandated* may cause concerns about costs associated for the training; however, if the plan is for the training to be driven by the Agency that is different. He then spoke of a process that when a Bill is filed, Legislators can request a fiscal note. He encouraged Director Milano to consider including such a note when the legislation is written to answer any questions regarding the cost of training.
- Outreach services and publications. We want to market ourselves better and make ourselves on the same platform that other people see DHS, DCFS, etc.
- High quality internal support structures. Looking at employee buy-in to our new pilot programs that we're running fiduciary relationships with and running together, primarily through OSG, but also with the LAS and HRA and participating in an employee modular development program.

CFO Lasley introduced some of the team, through DoIT, a platform called OneNet that is currently used by DHS and other agencies. Through OneNet employees can do professional development training. This platform has not been open to our Agency until recently. We have been building a page for GAC to open up the same types of trainings that DHS and HFS employees have had for many years to our employees. It is our hope to run a pilot, with 5 trainings that are overarching areas such as HIPAA training and a few other things that are already has content that is available and have been available to other employees. We'll begin with 5 trainings to gauge people's interest in going on line and using a computer based learning system.

### **Action Items**

Motion was made by Commissioner Davis to approve the minutes from the August 18, 2015 meeting. Motion was seconded by Commissioner Schleifer. Motion passed. Minutes approved.

### **PROGRAM REPORTS**

#### **Office of State Guardian (OSG) – Kelly Phelps, Interim Director**

After introducing himself as the Interim Director, Mr. Phelps reported the state of OSG is good. There are approximately 37 Person representatives, all with degrees and many with Master's degrees, who take care of nearly 5200 in 102 counties in Illinois. They act as the guardian of last resort for adults with disabilities, who have estates under \$25K: there are rare exceptions, but generally our wards do not have estates greater than \$25K. The 37 Guardianship Representatives (GR) have been intrepid during the past year taking care of wards in all manner and respect of their needs, including end of life decisions, decisions for placement, from crime to abuse to neglect to homelessness. During the short time he has gotten to know them he has managed to meet almost every GR and he is very proud of the work they accomplish.

OSG continues to experience ongoing budgetary pressures that do not allow the Agency to staff in ways that we would prefer. In an ideal situation we would have 66 wards per GR, which is the national standard for the National Guardianship Association (NGA) and the national standard suggestion is that our GR's would be able to visit our wards 1 time per month. The law requires that we visit our wards 1 time per quarter and, because of our limited resources, we generally see our wards 1 time per quarter and are always available in the event of an emergency or whenever necessary to meet their needs.

We have recently hired 2 GR's; an Estate representative in the Chicago office and a person representative in the St. Louis area. There are 3 people that have been identified to fill vacancies: 1 for the Egyptian region-which is south of Carbondale and 2 are in the East Central region which is in Champaign-Urbana. There are 2 critical vacancies for attorneys which would serve the entire central portion of the State—approximately 32 counties; however, we are unable to fill those positions because the Governor's office has placed a freeze on hiring Technical Advisors, which is the working title for our attorneys.

GAC has both a blessing and a curse: longevity. Our employees on average have been with the Agency for over 20 years and many people that have more than 30 years of service with GAC. Many are very

close to retirement. There are 4 employees that plan to retire within the next 4 months, 2 of them by the end of November, those are long term staff members that have a lot of institutional knowledge that they will take with them.

There several initiatives in process. We are going to take some of the people out of the West Suburban office 1700 wards are serviced through this office, which is located in Hines, IL. We are investigating possibilities of what can be done to make it easier on staff so they can be available to the wards. In case of an emergency call and a GR needs to go to a ward's home, or if they need to go the hospital and they have or need a Do Not Resuscitate (DNR) order, is it better to drive from Hines or to be in the field and be able to rapidly respond? We're going to do a pilot program with 3 people from the West Suburban office and place them in the South suburbs servicing only wards in the South suburbs. They'll still have to cover a few people in the Northern area but we're hoping that will not interfere with the study. We're anxious to see if we're not more effective and more efficient. We have some key measurements we'd like to take a look at regarding response times to emergencies and response times to new cases. When we receive new cases it takes a long time to get everything situated in court, processing paperwork, etc. We'll do something similar in the North suburban region so that we can have more than one view and we're going to have 2 different managers. Hopefully we'll come together and find the best practices and lessons learned.

We have another initiative in our East Central region in Champaign-Urbana which services the Shapiro Developmental Center in Kankakee County which is about 2 hours away. We're going to investigate how much time they're spending related to ward business: time with doctors, time with social workers, time on the phone with families, vs how much time they're spending on administrative duties-how much time they're spending, time spent on processing travel vouchers etc., and other tasks not directly related to ward care. We will collect some data to analyze how we will improve or change things going forward.

We're excited to announce that we're initiating a positive impact study. There are many wonderful things that our employees do every day from taking a developmentally delayed person to the Special Olympics every year—to the practices and events, or getting them to a full restrictive environment to a less restrictive environment or making sure that they have the home hospice care that they require during their last days on earth. We do these wonderful things but have not been good at measuring them. We're going to take steps to identify 7 things we routinely do, try to capture that data so it can be shared with the Commissioners and the rest of the world all of the wonderful things we're doing.

Finally, Mr. Phelps said the Agency is in the process of revising the OSG Policy and Procedure manual. It is approximately 175 pages; the last 75 pages don't need to be address as they were updated in 2012 so we're concentrating our efforts on updating the first 100 pages of policies and procedures. This will be done in collaboration and with consent of Director Milano.

Chairman Rothert asked for an update on litigation involving the Murray Center. General Counsel Jenkins-Wright stated that she and Jeff Ohlson (Guardianship Representative Administrator in the Metro East office who took over the case after the retirement of Helen Godlewski), continue to work on the various issues. It appears that things are going in a different direction

For the sake of the new Commissioners, General Counsel Jenkins-Wright gave an overview of our involvement with Murray Developmental Center. OSG had wards in the Center and when the previous administration wanted to close the center we wanted to move our wards. The administration got a court order preventing OSG from removing any of our wards and putting them under the Guardian ad



litem (GAL). The order stated that if we wanted to remove any of the wards from any of the Community Integrated Living Arrangements (CILA) or outside of the Murray Center the GAL would have to agree. We are still under that order. When the litigation portion wasn't bringing progress she and Mr. Ohlson decided to approach things from a social work standpoint, get all of the facts in order, presenting it to the Murray Center staff and if everyone agreed then the ward would be discharged from the Center. The last time the Commission met we were still having some litigation issues with regard to Rita Winkler filing to become guardian for a few of the wards-which we were against- we were successful in stopping her petition. However, it appears that Murray Parent's Association may be looking at things from a different standpoint because as have not received any more motions, we have received a lot of media inquiries with regards to why did we move a ward to a CILA and the person had to be returned to the Murray Center, this is proof that they should never have been in a CILA, etc. It has been a contentious situation in regards to finding answers and explanations. Since January she has spoken with 3 or 4 different reporters from the Chicago Tribune. After one interaction with a reporter, she reached out to the Governor's office and we were assigned a communications liaison, Veronica Vera, and she is the one who has direct correspondence with the reporters after meeting with us and she and Mr. Phelps have been dealing with Freedom of Information Act (FOIA) inquiries.

Representative Davis asked Mr. Phelps with regard to the pilot program in the South Suburbs, what are the needs for a location. Mr. Phelps answered that the plan is that for those in the program laptops, and iPhones to use as hotspots, as well as portable scanners and printers will be made available to them. The premise is to make them completely mobile. We're investigating using space that we've already used, such as Shapiro, and asking them if they have an office space we can use on a regular basis, where we can receive mail, etc. One of the purposes of the study is to figure out exactly what is needed. Ms. Orr has been exploring possibilities of Governor's State University providing space in exchange for interns possibly working with us. He said that any ideas or suggestions from any of the Commissioners were welcome. Representative Davis went on to seek clarification: you need a physical location, do they need 24 hour access, if they're given all the tools do they just need a desk, a place to store supplies, etc. Director Milano replied that we'd need a relatively modest space with communications capability that is self-contained because of confidentiality, where hard copies of things can be and if they need a desk during the day they can go. We're hoping that if the ward locations and the GR residential locations are configured efficiently this would be like a circuit. It could be the place for the 1 paralegal to be or the 1 administrative assistant to be so that there's someplace for the support staff person.

### **Human Rights Authority (HRA) – Teresa Parks, Director**

Director Parks introduced herself and, gave a brief overview of the responsibilities of the HRA. The division investigates rights violations committed against people with disabilities by service providing agencies and has a 10 member staff.

Currently there is one vacancy in the East Central region which is based in Champaign and covers about 20 counties which is a very large area. We do have the budget and headcount to fill the position, but we've been waiting for applications to be graded by Central Management Services (CMS). Hopefully once they are graded we will be able to conduct interviews. In the interim, she and Cathy Wolf, a retiree who came back temporarily on a 75-day contract have been covering the region and those days are almost over. Director Parks has also had help from South suburban HRA coordinator Geraldine Boatman who is covering some of the cases in Kankakee, Gene Seaman, coordinator in Peoria has been helping with Bloomington cases, as well as student interns who have been a great help in with writing case

reports of findings. It is our hope that CMS will finish their grading process soon so that we will be able to fill the position this fiscal year.

Aside from the 10 staff members, there is a group of HRA members who are appointed to serve on regional panels. There are 81 positions across the state. We regularly have vacancies on the regional panels; the members must either be consumers of disability services, family members of consumers, citizens who are just interested in disability rights and we must have some representation from the disability service provider community. It involves typically 4-6 hours a month in time and we are always seeing people interested in disability rights work to serve on the panels. Director Parks welcomed any recommendations from the Commissioners.

Statistical information for the last fiscal year was provided for the Commissioners. Director Parks pointed out that there were a few decreases this year. It isn't always easy to figure out why, we wonder if may be public relations related—not enough people are aware of the services we provide to make referrals, we're trying to review ways to get the word out more about the Authority. We have included some additional questions in the intake process to see if we can get a better grasp on how people are finding out about us and how to file complaints. We know that we've had a decrease in 2 regions—Metro East and Anna—in State operated mental health facility complaints. The staffs in those regions contend that they've had some good collaborative relationships this past fiscal year in working through some case issues. Sometimes complaints are able to be resolved informally before becoming a full-fledged investigation. Also some of the state facility administrators have been reaching out to HRA staff to get feedback on issues before they become a bigger problem, such as feedback on policies and procedures. This may account for some of the decreases also.

Despite of the decline in case numbers, we have had an increase in the past year in our success rate in the percentage of recommendations that are issued when we do have substantiated rights violations and the percentage that are actually accepted and implemented by the service providers investigated. In the past it was in the 80-85% range, this last fiscal year it was 90%.

In terms of the types of cases being handled, most of them involve mental health providers. Aside from the State operated facilities this also includes hospital psychiatric units, private psychiatric hospitals and community mental health programs. Most cases involve the rights protected by the mental health and developmental disability code. Frequent complaints are centered on rights associated with treatment issues, admission, discharge and transfer issues and rights involving medication administration—most often that is regarding forced medication.

There has been an influx of non-traditional provider investigations which include jails, we're seeing more people with mental illness in this area and there are protections under the jail standards that pertain to them.

As Director Milano indicated previously, we have had cases involving the Veterans Administration. These are mostly in the Chicago area at the Hines and Jessie Brown facilities. We have had ongoing issues in those 2 facilities and the primary issues that we're hearing complaints about from the veterans concern forced medication and the use of criminal citation being issued to veterans for behaviors that are related to their mental illness. We've done investigations and the problem has been that we haven't gotten cooperation back from the VA in trying to resolve the issues. The Commissioners received a copy of a letter to Secretary McDonald asking for his assistance and many individuals were copied on the letter. As Director Milano mentioned we did get a response from Senators Kirk, Durbin and representative Duckworth. They have made some contacts on our behalf. We did have a meeting with

the VA to discuss these concerns and we hope to enter into a memorandum of understanding. We're putting the final touches on the memorandum and hope to work through these final issues so that we can have a more collaborative working relationship with the VA.

Director Parks also noted that to learn more about the Authority's work individuals can check the Agency's website where we post public reports of our cases as well as the responses we receive from the providers we investigate.

In closing, Director Parks mentioned that 3 Agency staff members: herself, Gia Orr and from the Metro East office Jodi Russell-Baum, have taken on a project called the Volunteer Advocacy Project. They are being trained as special education advocates in order assisting families with special education issues. It is a 12 week evening course on special education rights and the Agency's Metro East office is serving as a host site. The training effort not only involves us as staff of the Commission, but parents of children and students with disabilities who are coming together to learn more about special education laws and how they can help other parents.

Commissioner Rubin asked for clarification on what the line is between the Office of the Inspector General (OIG), the Department of Human Services (DHS) and HRA for investigations. Director Parks responded that OIG's mandate is very specific to abuse and neglect; anything beyond that we would look at a rights issue. For example: if we get a complaint that someone is being abused in a situation we automatically turn it over to OIG. They can send the authorities out to investigate. Commissioner Rubin said that his confusion is in the fact that forced medication feels like it should be classified as abuse. Director Parks stated that it could be but a lot of times a forced medication issues relate to whether or not staff has been trained on what the Code requires or maybe there's a fine line between when forced medication can be used. It should only be used when there's eminent physical risk of harm and sometimes their standards don't meet that and it may be a documentation issue or it may be that less restrictive alternatives have not been attempted first. There is a fine line; sometimes we go ahead and make a referral to OIG, but they won't take it. They see that the facility has the right to pursue forced medication in emergency situations and they don't look at the fine lines and what the code requires specifically.

### **Legal Advocacy Service – Veronique Baker, Director**

Director Baker indicated that statistical information for FY 15-16 for LAS were provided for the Commissioners in their packets, but also gave a brief overview to of their purpose. The LAS has served over 9000 clients in the past year. They have handled 113 appeals and there were 5,158 involuntary commitment petitions filed and we did 190 of those hearings. There were 356 involuntary medication petitions filed and we did 214 of those hearings including 22 hearings involving Electric Convulsive Therapy (ECT). She called to their attention that the number of involuntary commitment hearings seems very low, but it is low by design. An involuntary commitment record is not the best thing for our clients, so we try to avoid them if possible. We will do a treatment matter first and once the client is getting back on their medication, they're probably in a better position to make decisions to sign involuntarily or they're back to a level where the hospital will feel comfortable discharging them. If we cannot work things out this way we go to hearings on commitment and treatment matters.

LAS has been able to hire 2 new staff persons in the past year. Alan James who is in the Choate office down in Anna, IL, has become active with the issues involving Choate. Director Baker knows he is very active because she receives weekly e-mails from Choate and DHS about his advocacy and she is very

pleased with his work. Sarah Peterlin transferred from OSG in Champaign to LAS in Chicago. She permanently assigned to Cermak Hospital, but also shares in the representation of 14 other hospitals. She has been able to do a few hearings and on the track of filing her first appeal.

In Cook County, Chief Judge Evans has signed an order and has adopted the protocol of handling mental health hearings via videoconference. LAS remains opposed to those hearings and she suspects that there will soon be an appeal that comes out of those. The order went into effect September 2<sup>nd</sup> and there hasn't been a hearing held yet, probably because most of the hospitals have not purchased the videoconferencing equipment or secured appropriate placement to conduct the hearings. The order that was entered by Judge Evans sets out the protocol for them to be able to do so. There is a way to opt out; all of our clients are not going to be able or want to participate by video. If we let the court know ahead of time, they will conduct a hearing the traditional way.

As Dr. Milano mentioned earlier another issue we are having is with our Lee Wesley cases. Lee Wesley is a consent decree that requires the Department of Children and Family Services (DCFS) to notify us when a DCFS ward is placed in a psychiatric hospital and are to track their stay there. We send our clients notice that we are their attorneys and often they will write or call us to generally ask questions about what is going on. For the past year or so, DCFS has either suspended sending us those reports and we've had to constantly make inquiries for them. When they resume sending them to us, we're getting them once a month and it is very, very basic information. In the past we would receive them twice a week and it was more information regarding where the person was, the staffing issues, what the progress and goals were, etc. It was very easy to track whether they'd been there for an inordinate amount of time, but that is more difficult now because the information is less in depth. We are in the process of writing a letter to DCFS' General Counsel regarding the format of the reports and the frequency or infrequency in which we receive them. The good thing about the reports we receive now is that it's statewide as opposed to just Cook County since Lee Wesley only involved wards in Cook County. We're getting the information statewide and it's a good thing because we're seeing this issue appear statewide. We recently had a matter in Madison County where the minor is still there in the locked psychiatric facility and has been there for more than 90 days past being medically necessary to be there. LAS filed a habeas corpus and it was denied at the trial court level and we are appealing it. We also have a meeting scheduled for October 14<sup>th</sup> with DCFS and its various players to address this issue.

Commissioner Rubin asked what caused the change in reporting. Director Baker replied she was told that it was a change in software. The previous software would produce the more in depth reports, but what we receive now is similar to an Excel spreadsheet with name, where they are and when they arrived; we must wait another month to find out if a person is still there, whereas receiving reports twice a week was much easier to track. Director Milano pointed out that the Director of DCFS mentioned that they have had some personnel turnover which has meant a loss of institutional knowledge; however the issue of minors being in locked facilities for extended periods of time is becoming an issue.

The LAS is a partner with the Cook County Health and Hospital Systems. They applied for and received a grant from the Federal government to pilot a program regarding agreed outpatient treatment orders. It is a 4 year grant, \$1 million a year for 4 years and our portion of it will be about \$96K a year to staff an attorney that will be totally dedicated to the representation of a person who has been identified either at Madden Mental Health Center or Read. There's a possibility that Cermak may be a part of the program but so far Cermak has not necessarily bought into it. The goal of the project is to have an outpatient care and custody order; you can have a person committed in-patient or out patient. They'll have this order, and in addition to the order they will have series of social services that will allow them

to continue with their treatment, counseling, education, housing, etc., a lot of the services a person would need in order to stay on their medication so that there aren't any repeat offenders. In the event that they violate the order, there is an option to bring them back into the hospital, but the goal is to keep them out. Hospitals and insurance companies, Medicare and Medicaid are requiring more before someone is discharged. They want to have a more fully developed discharge plan that includes a treatment order, may include advanced directives or mental health declaration; some mechanism so that the revolving door is not so frequented by people. The project will begin in January, and we're happy to be a part of it and are in the process of identifying people that we need to hire and have a test run and have all the other services available.

With respect to the VA after the group meeting with them, Director Baker had 2 individual meetings; one with their doctors and one with their Director of medical records. One of the problems that LAS was having with the VA is receiving the records for our clients on a timely basis. If we're going to go to hearing, we need access to their records. Our attorneys typically receive their records the night before the hearing, as opposed to the State's Attorney that gets the records a week before. So we've set up a protocol Director Baker is waiting to hear from the VA, it had been 2 weeks since she met with them, to send her what the new protocol will be. Basically they will be couriering the records to our office in Madden and since the VA is also in Hines, we should receive the records in a timelier manner.

The issuance of citations in the Hines VA hospital arose out of matters that were handled by the LAS attorneys. We haven't had any since we investigated the 2 initial ones, but they still having difficulty with the relationship and misunderstanding in our role with respect to VA clients. We're hopeful that the memorandum of understanding that Director Parks spoke of, which includes the requirement that they receive some type of training from us on a consistent basis, will help to bridge that misunderstanding.

Before adjourning Director Milano mentioned that the Agency will begin a search for a permanent Director of OSG and welcomed any recommendations from the Commissioners.

The next scheduled meeting is Tuesday December 6<sup>th</sup>, 2016.

Motion to adjourn was made by Commissioner Torres Davis. Motion was seconded by Commissioner Schleifer. Motion passed and the meeting was adjourned at 2:49 pm.