



State of Illinois
Bruce Rauner
Governor



Dr. Mary L. Milano
Director

Human Rights Authority
Legal Advocacy Service
Office of State Guardian

COMMISSION MEETING MINUTES

Tuesday, August 15, 2017 1:00 – 3:00 PM

Video Conference Sites

Chicago: James R. Thompson Center, Room 2-025
Springfield: Capitol City Training Center, 130 West Mason Street, Room 104

Commissioners Present

Anthony E. Rothert, Chairman	Representative Michael McAuliffe
Honorable Andrea M. Schleifer, Vice-Chairman	Brian N. Rubin
Representative William Davis	Inez Torres Davis
Dr. Sharon Jenkins-Collins	

Commissioners Absent

Rev. Barbara Berry-Bailey
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
Barry Lowy	Director, Office of State Guardian
Gia Orr	Director, Community Rights, Relationships & Resources
Teresa Parks	Director, Human Rights Authority
Michelle L. Braker	Private Secretary to the Director, Springfield
Florence P. Martin	Private Secretary to the Director, Chicago

Executive Staff Absent

Gloria Lasley	Director of Finance and Fiscal Operations
Constance Umbles-Sailers	Confidential Assistant to the Director

Meeting was called to order by Chairman Rothert at 1:15 pm. A quorum was present.

OFFICE OF THE DIRECTOR

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DIRECTOR'S REPORT

Dr. Mary L. Milano

Director Milano reported that it has been a very challenging time fiscally. Agencies have been asked to submit new budgets with an additional 10% reduction. The Illinois Guardianship and Advocacy Commission (IGAC) budget has been reduced twice previously: once by the Governor's Office of Management and Budget (GOMB) after it was initially approved and again in the overall State budget that was passed so an additional 10% poses a significant challenge. In implementing the additional cut, the Agency would be able to operate; however, the level of service could not be what we would like it to be because we would be unable to fill vacancies and it would involve terminating employees.

There are possibilities for creating other revenue streams that are viable in two different aspects. The first consideration is to change the regulatory framework so fees that were last increased in 2012 would be brought to a new baseline, which would still be below in terms of what fees are for the services the Agency provides. We would also like to propose there be an escalating clause so fees would keep pace with inflation. The second area being explored is to make fees a priority for our lawyers in terms of Guardianship Representatives (GR) identifying state where there are funds and then having our lawyers petitioning to collect those fees.

The Agency is excited about several initiatives that are underway that include the start of the Office of State Guardian (OSG) digitization project and obtaining an actual electronic case docket management system for the Legal Advocacy Service (LAS), Human Rights Authority (HRA) and hopefully OSG legal. Unfortunately we don't think there will be any further action on upgrading the larger OSG case management system in this fiscal year. Director Milano would also like to delay, as long as possible, the Agency's addition into the State's larger Electronic Records Processing (ERP) project as it would involve hiring individuals who know how to use it. This project will redo all of the Human Resource, Accounting and Procurement systems for the State.

LEGAL REPORT

Kenya Jenkins-Wright, General Counsel

Along with Director Milano, Ms. Jenkins-Wright has been working on meeting the Governor's Competitiveness Council on its goal to cut regulations by 20%. They explained to the Council that IGAC is not a regulatory Agency, and cutting out restrictive languages would mean we would not make things easier for the public; we would be cutting services to them. Prior to a meeting with the Council they discussed possibly utilizing the Competitiveness Council to help us with our regulatory goals to increase revenue while still meeting their goals to streamline. During their meeting with the Council they seemed to agree with our assessment and were somewhat positive regarding Director Milano's goals of using the Council to move across regulations to increase the Agency's revenue.

At the last meeting there was discussion regarding concerns brought to her attention by HRA Director Teresa Parks in April 2016, about a facility in St. Clair County/Allerton, IL which was unlicensed and had several complaints about locks on doors and bars on windows. The Agency is happy to report that over 15 months later there's progress being made: Ms. Jenkins-Wright had a meeting with the Director of Health and Family Services (HFS) who indicated her concerns regarding the extreme delay in responding and we're looking forward to the closing the facility. She has also met with OSG Director Barry Lowy regarding guardianship issues and making sure the team understands that OSG cannot petition to be the guardian, but we're willing once the Attorney General (AG) does any petitions to take over those guardianship roles.

She, along with the Governor's office and the IL Department of Public Health (IDPH), met with the Office of the State Fire Marshall who, at the request of the Department of Aging (DOA) checked the facility. They confirmed there were locks on the doors, bars on the windows and determined that the design of the facility was a maze that creates further dangers in case of fire. These findings and meetings resulted in a meeting with the AG's office, who is looking to file possible petitions to appoint OSG as temporary guardian if necessary.

FISCAL REPORT

Director Milano, on behalf of CFO Lasley directed the Commissioners to further review the detailed financial information included in their meeting packets.

MANAGEMENT INITIATIVES

Gia Orr, Director, Community Rights, Relationships & Resources

- DoIT/Training initiatives are on schedule. We have begun the 2nd training which is focused on how to accurately complete travel vouchers. It was determined that the process needed a thorough review and that everyone in the Agency, regardless of years employed, are required to take the training to be sure they understand the changes in processing and in order to have documentation that everyone has participated. This will hopefully prevent any future audit findings, etc. regarding travel voucher accuracy and submission. The Agency is now focusing on the design of the next training, which will re-introduce each division of the Agency. There have been many new hires, retirements, etc. and all those new to the Agency need to understand the responsibilities of each division. Designed as one month mini-trainings, the first division to be featured will be the HRA on September 2nd, followed by the other divisions in October and November 2.
- With regard to the IL Performance Rating System (IPRS), which falls under Budgeting for Results—another Governor's office initiative—the Agency now has 4 quarters of data for our cross divisional projects (which we call Management Initiatives). For FY17, the Agency's baseline for programmatic and overall internal trainings for the year was 12; we have completed 139 for the year, with a projection that we would increase trainings, so we have already met our desired outcome as well as increased. We will project another increase for FY18 but not one that is too far reaching.
- Restoration of rights. We have identified an average of 36 individuals who could be eligible for full or partial restoration. We're working diligently on this because manpower must be on hand to analyze those cases and be sure those persons have all of the resources needed to obtain restoration.
- Predictions of persons needing services from IGAC. This baseline is the average of numbers of persons with disabilities in Illinois (obtained through Census data) and the number of services that we provide for persons with disabilities resulting in 20,000 persons; our average for the year was 21,000. Over the course of the quarters we increased because of the lack of a state budget, meaning that more people that are not getting resources from other locations would need our resources, but we were either unable to reach those persons or they weren't referred to us.
- Outreach activities and publications. The baseline for this was set at 100, however; with Director Parks (HRA) making activities and publications part of their Rapid Results project, we averaged 331 outreach activities and publications this year. This also includes OSG and LAS and Executive Staff.

ACTION ITEMS

Motion was made by Commissioner Rubin to approve the minutes from the June 6, 2017 meeting. Motion was seconded by Commissioner Schleifer. Motion passed and the minutes were approved.

PROGRAM REPORTS

Legal Advocacy Service (LAS)

Veronique Baker, Director

Director Baker stated that LAS will go into FY18 with 47 appeals in various stages of the appellate process. This includes the 5 appellate courts and the IL Supreme Court. We have had the oral arguments on the Linda B. matter before the session ended earlier this year but we have not received a decision. It is an important case: it asks the Supreme Court to decide when a person is actually admitted to the hospital for the time constraints. The woman was in the hospital 19 days before a treatment or commitment petition was filed against her. Although she was on a medical unit, she was being treated for psychiatric ailments for 19 days, but the Appellate court decided that she wasn't really there until the petition was filed. Another matter, Bennie M. is also pending with regard to being shackled during a hearing. We won at the appellate level; however, the State appealed their loss.

The Commissioners were given an outline of the matters that have gone through the Cook County Health and Hospital Systems (CCHHS) Assisted Outpatient Treatment (AOT) program. This year 26 cases have gone through the entire process with an additional 35 cases that were disrupted at various points in the process. Matthew Davison, the contract attorney working on the project, explained that Substance Abuse and Mental Health Services (SAMHSA) reduced their goals from 100 to 50 per year. They are working on expanding the number of hospitals that can participate in the program. Cermak Mental Health Services is still in the process of figuring out how they can be involved in the program and Read Mental Health Center has dropped out of the program; they have a couple of cases involved, but they aren't referring any new cases and are basically not cooperating with the program. There are a few private hospitals in Cook County that have expressed an interest—Mount Sinai, IL Masonic, Chicago Lake Shore and to an extent Northwestern—but we also have to work out the level of management that people would have outside of the hospital setting. Some people don't require the full complement of services, some would need more and housing still continues to be an issue. The majority of the 35 cases that didn't make it through the entire process were as a result of housing issues that failed. The Community Counseling Centers of Chicago (C4) and Human Development Resource Institute (HDRI) expressed at the beginning of the program that housing would be a challenge but promised that they would be able to handle the issue; however, it has still been a roadblock in the process. It is a 4 year grant and we are still hopeful.

Director Baker will attend a meeting involving electronic filing of mental health cases in Cook County. The state has almost fully converted to an electronic filing system; most counties restrict the electronic filing of mental health cases. It is the opinion of LAS that if they were filed electronically they would be much easier to manage, if you have the correct e-filing system, whereas they file through the County division and the cases are automatically sent to the State's attorney and automatically to LAS. Hopefully with an e-filing system it would require the doctors to prepare their petitions on line, resulting in a more legible petition. The Clerk's office has engaged the entity who is supposed to set up the system, so we are hopeful that they have a good system. E-filing has already begun at the Appellate process and it is much easier.

Lastly, Director Baker plans to have a meeting for herself and all 13 attorneys in the Division to discuss concerns and issues unique to LAS.

Office of State Guardian (OSG)

Barry Lowy, Director

Director Lowy reports there have been many discussions during the month with the Department of Human Services (DHS). OSG has consented for 310 wards currently living in Intermediate Care Facilities for the Developmentally Disabled (ICFDD) to be evaluated to determine if they could be living in a Community Integrated Living Arrangements (CILA) or other community based settings. We thought it was understood that we are not consenting to just moving wards but consenting to the assessment. DHS asked us to develop a tier system for identifying the wards that are most and least ready to move, so they could be moved through the system in an orderly manner and capacity could be built. It was determined at a meeting with the LIGAS group that OSG would do its tier assessments as part of its quarterly visits. We are working in tandem with our Guardianship Representatives (GRs) and the pass agencies to do both the LIGAS and tier assessments so there isn't a duplication of efforts and waste of time.

The Agency has also reorganized its State Operated Developmental Center (SODC) operations. Jeff Ohlson has taken on the responsibilities of statewide coordinator for the purpose of assessing and identifying wards who are eligible to transition into the community. Sometimes we disagree with DHS' assessments, that our wards are not ready but could be ready with appropriate support and services in place. There have been several negotiations with DHS over support and services; initially they appeared readily and forthcoming with those services and supports, but then they pulled back a bit so we have had a number of meetings to keep things on track.

The most significant part of the SODC reorganization is the reconfiguring of how our caseloads are handled in the East Central Regional Office (ECRO). We have conducted interviews and there's an internal candidate that will be moving into a dedicated Kankakee caseload. There are now 109 wards at the Shapiro Developmental Center and it was very hard to serve that population from Champaign. Shapiro has dedicated office space for the Agency and we're in the process of installing computers and other equipment there, as well as trying to work out issues such as electronic signatures and having documentation sent via email so the individual working there will not be overwhelmed with the volume of work.

An issue that has come up is that OSG and DHS cannot agree on the consent forms to be used, particularly with respect to the use of psychotropic medications. They want us to provide therapeutic range consent for an entire year so they can raise and lower the medications and, in most cases, not even advise us and we find that unacceptable. We have agreed that our forms could be improved and the Director of the SODCs feel their forms need improvement as well. There are going to be 23 working groups with DHS and OSG subject matter experts to develop better consent forms and a better system of them notifying us. One of the problems that we have is our records are inaccurate with respect to the medical procedures being done without our consent based upon the supposed blanket consents. We are going to redo the entire way OSG, DHS and the SODCs transact business.

When the project began, OSG and DHS identified 15-17 wards that are on Tier 1 or high Tier 2 which is the basis for moving forward with community integration; through the efforts of Jeff Ohlson over a few months, the number has now grown to 27. We will now further those efforts and begin to work with DHS to identify capacity building of community providers.

Rapid Results projects update:

- OSG has started to collect data on the new form used for transferring case files that was designed through the project. In the past it took 1 ½ -2 hours to process the old forms and now the process has been reduced to 20-30 minutes.
- The records digitization project continues to move forward. Director Milano has asked Director Lowy to explore the use of the Legal Files software for the OSG attorneys in addition to its use for LAS and HRA. The representative from Legal Files suggests that it could be used for anything involving a case. He will set up an appointment for a demo to explore not only legal use but to see if the system could be used by GR's doing fieldwork. The program has a records maintenance component and even though we are in the process of preparing to digitize our records, we may be able to migrate what will have already been digitized into Legal Files and in the future it can be done as one process.

As part of a review of the work of the legal team, it was discovered that there are significant regional disparities in how we approach collecting attorney fees and guardian fees. Director Lowy has asked to conduct an audit of all potential fee generating cases to uncover reasons why there are such discrepancies and Director Milano has made it a priority.

Human Rights Authority (HRA)

Teresa Parks, Director

Director Parks reported that last fiscal year HRA's volunteer members contributed more than 1600 hours to the program and statewide handled 278 cases of rights violations. This is a notable increase from 230 in the previous fiscal year. Closed cases have a potential impact on over 1300 people with disabilities. Most of the complaints involved persons with mental illness and developmental disabilities with most complaints coming directly from the individuals themselves or a family member. Most cases involved facilities that were mental health providers including State operated mental health centers, hospitals psychiatric units and private psychiatric hospitals. As compared to the previous fiscal year, there has been a notable increase in complaints concerning private psychiatric hospitals, CILAs and special education programs; there was a decrease in complaints involving hospital psychiatric units and nursing homes.

We saw comparable results in the area of rights violations investigated as in the prior fiscal year. Most cases involved inadequate treatment, admission, transfer and discharge practices, medication issues, communication and visitation rights, confidentiality and restriction of rights. There was an increase of complaints this year in the areas of confidentiality practices.

Like OSG, the HRA continues to work on larger scale, macrosystemic issues involving DHS that have arisen directly from HRA cases. We are in ongoing communication regarding sexual expression rights issues. Aside from meeting with Meg Cooch at the ARC of Illinois, there has been back and forth communication with DHS both writing and verbally over the matter and we still aren't at a satisfactory point. We will continue to work on communications involving the topic.

Over the summer we did enlist 2 college student interns. They reached out to states across the country to gather information on how other states are handling sexual expression rights. We are in the process of concluding their findings; it does appear that a few states do have statewide policies and at least one state that have instituted regulations on sexual expression rights. When the final report on their work is compiled and Director Parks will circulate copies to the Commissioners as well as DHS as we try to engage

them further on the issue. We still have an active case involving sexual expression rights involving St. Coletta's.

We are also in communication with DHS over a patient access to their records in State operated mental health facilities. The complaint involves a resident at Chester Mental Health Center, which is the most secure mental health facility in the State. There was a report that led to an individual's commitment to Chester and they would not give him a copy of that report. Even though it led to his admission, it was completed by an outside entity and so Chester felt that they didn't have the authority to release it. However, they did release it to the HRA for our investigation and all of the Chester staff had access to that record as well.

HRA is also in ongoing communication with DHS regarding posting its contact information in CILAs. CILAs are required to post the Rights Statement, but there's no requirement that they post our contact information as a resource. We have been discussing it and talked about possible legislation to accomplish this, but we're trying to work it out with DHS. Director Parks did receive some contact from DHS asking for some language preferences regarding the posting issue, so it's hopeful that it will be resolved.

The goal of the HRA's Rapid Results project was to increase community outreach by 15% and community outreach is very important for the HRA. Many of the people it serves do not have access to its contact information and we're working very hard to get the word out. We actually saw an 87% increase in community outreach activities. The HRA staff really took the project to heart and worked on a variety of things from speaking engagements to going to meetings and sharing information about the Authority, to hanging posters in libraries. We also saw an 18% in HRA cases this year, and while it may not be directly related to the community outreach, there was probably some relationship due to the extra effort in getting the word into the communities. The Authority has established a new outreach goal for the next fiscal year to ask that each HRA region complete at least 8 community outreach activities during the year.

As mentioned earlier, there were 3 student interns in the Peoria office this summer. Two of those interns were recruited from a Pre-Law class at Bradley University in Peoria that we visited in the spring. Aside from working on the State surveys on sexual expression rights, they actually took on an HRA case, worked on a report, participated in investigations and attended HRA public meetings. An HRA staff member is scheduled to meet with the same class this spring and hopefully get some new recruits. There was also 1 high school intern from Peoria Central High School. She was recruited through a Peoria summer employment program for teens. She also participated in a case investigation, but she mostly helped with filing and getting our case files organized. Director Parks mentioned that Gene Seaman, the Peoria HRA coordinator, was very instrumental in making the internships a success. He was the primary contact, helped provide training and facilitated their work.

CLOSED SESSION

Motion was made to enter into closed session to discuss merit staff compensation by Commissioner Schleifer. Motion was seconded by Commissioner Torres Davis. Motion passed and the closed session began at 2:40 pm.

Open session resumed at 2:55 pm.

Motion was made to direct Director Milano to seek and advocate for salary adjustments, bonuses or both for Agency's merit compensation employees was made by Commissioner Rubin. Motion was seconded by Commissioner Torres Davis. Motion passed.

Motion was made to adjust Director Milano's compensation by 3% effective immediately by Commissioner Schleifer. Motion was seconded by Commissioner Torres Davis. Motion passed.

Motion to adjourn was made by Commissioner Torres Davis. Motion was seconded by Commissioner Jenkins-Collins. Motion passed.

Meeting was adjourned at 2:58 pm.

The next scheduled meeting will be Tuesday, November 7, 2017.