
COMMISSION MEETING MINUTES

Friday, December 4, 2020 1:00 – 3:00 PM

Via WebEx

Commissioners Present

Anthony E. Rothert, Chair
Honorable Andrea M. Schleifer, Vice-Chair
Representative Jonathan Carroll
Representative William Davis
Donald Dew

Kathryn E. Eisenhart
Dr. Sharon Jenkins-Collins
Mary Kennelly
Senator Julie Morrison
Sonni Choi Williams

Commissioners Absent

Representative Thomas Bennett

Executive Staff Present

Dr. Mary L. Milano
Teresa Parks
Kenya Jenkins-Wright
Veronique Baker
Barry Lowy
Gia Orr
Constance Umbles-Sailers
Atul Chokshi
Florence Martin

Executive Director
Deputy Director / Director, Human Rights Authority
General Counsel
Director, Legal Advocacy Service
Director, Office of State Guardian
Director, Legislative Affairs / Director, Community Relationships
Director, Human Resources
Private Secretary to the Director
Confidential Assistant to the Director

Executive Staff Absent

Daniel Campbell Chief Fiscal and Information Officer

The meeting was called to order by Chairman Rothert at 1:25 pm.

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Director's Remarks**Dr. Mary L. Milano, Executive Director**

COVID has changed our workplace, our relationships; has created or formed a background for a mental health crisis the dimensions which are not yet known. It has impacted every aspect of our economy, including our state budget and our resources. We are in a period, I think we would all agree, of political and social unrest and change.

And with respect to our state budget, the zero-sum game which we sometimes have suffered in divisions and choices it causes will, or can unless addressed, become like border walls, which will divide and vacuum up resources that are dedicated to fear of protection and individual agendas.

Our dreams must provide the fuel in the fire to keep things lit. We must believe that walls can be surmounted, if not broken through, and needs that are experienced and stories learned will continue to lead our evolution as an agency of responses and our responses will coalesce into new and affirmative approaches to the issues that arise.

I said earlier at a meeting among agency directors working on diversity, equity and inclusion issues, when talking about CMS and our processes, it is not so much that we in the human service areas do not want to work within the rules; it is that we want the rules to reflect new principles of equity, justice and dignity.

What we have done and plan to do you will hear about and have read about in greater detail in a variety of different forms. We are experimenting with new ways of getting comments which will include more video, more newsletters, and a greater effort to engage the Commissioners in the on-going work with the agency between formal meetings. Everyone here, whether they are staff or Commissioners, have been appointed because they have expertise, energy and a commitment to collaboration and pursuing goals.

We have challenges which include money and changes in circumstances, but we have always found a way and will continue to find a way. We are proud of our collaborations, which increasingly are making our voice a significant one in the Human Services area. Also important are all the various awards or participations or leadership positions our staff have that are bridging the gaps between our governmental services, our communities, and professions.

Deputy Chief Report**Teresa Parks, Deputy Director / Director, Human Rights Authority**

Some of the Agency's major activities:

- The Agency is in the process of updating position descriptions of the Executive Staff and adjusting its organizational structure. This is to better meet the administrative and programmatic functions of the agency. The revisions are under review and are awaiting final approval by CMS and the Civil Service Commission.
- Working with the Department of Human Services' Division of Developmental Disabilities over continued efforts on the sex bill implementation that was sponsored by Commissioner Davis. Also working with that division on placement and discharge issues of minors from the Chicago area to downstate facilities. Directors Milano and Parks in the process of setting up quarterly meetings with them to continue our communications and discussions.
- Working with the Department of Human Services' Division of Mental Health on specific mental health facility related issues, most recently about Alton Mental Health Center over COVID mitigation efforts and telephone communications between our advocacy staff and patients and also working on an issue regarding a patient's conditional release.

- Interacting with the Department of Children and Family Services regarding minors under DCFS Care, who are in hospital settings, ensuring resources in the community so they can leave the hospital, as well as access to education when they are in the hospital and placement on concerns when they are placed downstate. Data is being gathered on that issue and being evaluated on a case-by-case basis.
- Work continues with the Illinois Guardianship Association to set up a series of webinars for staff and the public on guardianship and disability related issues.
- The Agency is in the process of finalizing our public accountability report for the Office of the Comptroller that documents our Agency's performance over the past years, using specific performance indicators. When the report is finalized, it will be made available to the Commission.

Fiscal Report (via pre-recorded video)

Daniel Campbell, Chief Fiscal and Information Officer

- The Agency's headcount is currently 107 with an increase to 114, which is five above the maximum headcount, by the end of the year.
- The agency appropriated out \$10.2 million has spent approximately \$3.1 million and projects spending \$9.6 million by the end of the fiscal year, June 30, 2021.
- For FY 2022, the Agency anticipates asking for \$10.7 million. One of the reasons for the increase of appropriation is GAC is an agency whose payroll is 90% bargaining unit driven, and COLA-Cost of living-adjustments will apply. There is also the need to decrease caseloads and extend the Agency's reach of advocacy to the downstate area.
- COVID has impacted funding across Illinois and the Governor's Office of Management and Budget's (GOMB) initiative to reduce expenditures by 10% have presented budgeting challenges. There will be a few options on how to manage the reduction but will know more once given more direction from GOMB.
- From other state funds, the Agency has spent approximately \$370K of its \$2.9 million appropriation. In the next fiscal year, we intend to keep the same appropriation as FY21.
- Goals and challenges for the Fiscal and IT offices include develop structuring for internal controls to help eliminate audit findings. The challenge will be in recovering old data to accurately develop structures from the previous year and the systems available to us. An access database is used presently throughout the agency, so the challenge is to divest from it and now with Enterprise Resource Planning (ERP) through DoIT has, there is the ability to create better spreadsheets and collect better data. Director Campbell projects the project should be done by the end of FY21. By December 29, 2020, he plans to develop an inventory database and a human resource database, as well as track of all invoices and will have an allocation to how much, by direct object code, those items will be.
- Another goal is to achieve maximum headcount and spend current enacted appropriations. Challenges presented are hiring and selecting, which is hindered by the CMS process and the way the Agency hires new employees. It is essential that hiring is staggered, so that will continue throughout this fiscal year and, if necessary, into FY22.
- Another fiscal challenge are the external pressures from GOMB and the Governor's office to not spend all GAC's appropriation. This year they put a 5% reduction rate to the Agency's budget, meaning not to spend up to \$500K. For FY22 there is a 10% reduction scenario from the budget which is roughly \$1.1 million from the general revenue fund. What directly correlates to this is not being able to hire individuals and may in some cases could necessitate laying off individuals.

- The Agency also has a goal to find unfulfilled revenue streams, such as county fees, and develop a strategic plan to uncover uncollected revenues. Several things have been done to figure how these fees can be collected. The Agency has contacted County clerks and will utilize the Governor's office for ideas to aid in collection. An external challenge is in receiving the fees and how much should be received compared to how much is not being received.
- For IT there is a goal to develop an innovative plan to help achieve maximum utilization of technology within the current master contract, many of which the Agency is already paying upfront cost through the DoIT interagency agreement.
- Director Campbell lastly presented the goal of developing a call center for the agency. DoIT and vendor processing times, contract/cost build out and ensuring there are appropriate staff to manage the system are all challenges. In the next fiscal year, the Agency should have a new call center that will change the way our current calls have been handled.

Director Milano added:

One is that we believe. despite the extraordinarily dim budget forecast, we could have some relief as a result of the change in administration in Washington DC, that might provide a slightly different approach to assisting states with issues that have arisen because of a lack of revenues or unusual expenditures as a result of COVID. We still must strive in other issues, but I think that is a potential bright spot that might give us some relief.

Also, in our negotiations with the Budget Office and the Governor's office where we have taken steps over the last number of months to track issues that the Commissioners have raised and been interested in the past which is the inability to fully stand out and, Daniel addressed that in significant part, but we're also trying to figure out where can we prove that if there are external factors that are impacting our inability to get certain things done, can we establish by data that is the case and what time, time equating to money, only those factors take up.

We are extremely impressed with the way in which our new CFO has taken the reins, not only the fiscal office, but has also worked with the rest of us to integrate the financial and operational sides of the agency into a much more coherent whole and only as a benefit to all of us.

As he said we continue to try to find ways to seek out additional revenue from every source that we can find outside of the general revenue and GAC funds. We will continue to do that with, among other things, a new grant program and other efforts in capturing money that is due us but has not been able to be captured because we have a lack of personnel or processes.

Legal Report Kenya Jenkins-Wright, General Counsel

- The Agency is working to better its relationship with AFSCME and its AFSCME employees to answer questions when issues arise between management and employees. Meetings have been held with AFSCME to deal with potential staff issues prior to situations exploding into something bigger. The management team has consisted of Counsel Jenkins-Wright, Human Resources Director Constance Umbles-Sailers and Deputy Director Teresa Parks. They have attended 3 meetings including sub meetings with AFSCME representatives to discuss various issues. The meetings were successful, and the Agency presented a plan to update the Office of State Guardian (OSG) policy manual, create an OSG training manual and required trainings for all staff and management.
- An issue that arose during the meetings with AFSCME is concern about diversity and intercultural communications and creating a positive work environment. Counsel Jenkins-Wright has been working with Illinois Department of Human Rights (IDHR) and other agencies, to find trainings that would be relevant to make a positive work environment. One of two upcoming trainings is *Appreciating Diversity*,

on December 15th and 16th, 2020 and *Intercultural Communications*, which will be the second week of January 2021.

- The agency will continue the usual trainings in Ethics, Sexual Harassment and Discrimination prevention and will also add HIPPA training this year.
- Plans are being made for another managers training session. Counsel Jenkins-Wright, Deputy Director Parks and Human Resource Director Umbles-Sailers are working together to design the training with the projected dates in January or February of 2021. They plan to have some IDHR trainings for navigating difficult conversations.
- The Agency is working with Illinois Department of Public Health (IDPH) and attempting to draft protocols and guidance explaining what employees need to do prior to going to a long-term care facility as well as guidance regarding testing employees before they enter long-term care facilities. The drafts are almost complete concerning the first part, but for the second part regarding testing, we need to know the outcome of the meeting between IDPH and AFSCME in order to see where we will be able to push regarding protocols. Counsel Jenkins-Wright been working directly with the General Counsel and Deputy General counsel of IDPH in hopes to get the protocols rolled out by January 2021.
- The Agency is involved in the Human Services portfolio cross agency project on diversity, equity, and inclusion, including aspects of both hiring, recruiting, promoting, and training.
- Counsel Jenkins-Wright and Director Milano are Co-Chairs of the Illinois State Bar Association's newly created Committee on Racial Inequality as a result of resolution introduced, which is in fact continuing to impact not only the entire Association, but through the appointment of some very, very impressive committees, the view of legislation with public education, policy and local legal profession in those three areas. The most tangible, immediate issues has been support of and with contact with the Legislative Black Caucus and criminal justice matters, but a variety of issues, integrated in a lot of different ways, in part because our lawyers we are proud to say from Chairman Rothert all the way down to our newest hires, are in leadership positions in key State Bar committees that impact the marginalized, impact the kinds of services and social justice and human rights activities that the Agency is engaged in, whether that be public service level, mental health disabilities, diversity, etc.

Legislative Report Gia Orr, Director, Legislative Affairs / Community Relationships

- Due to the pandemic, the last Legislative session was cancelled to error on the side of caution and to keep our elected officials safe. In that, last sessions legislative agenda for IGAC is now pushed to whenever the next session will be and when that next session begins, the Agency's plan is to continue to push the 7 pieces of legislation that were already on the table. The Agency will remain positive that those things that are now on the back burner, saying that we would push those in Spring 2021, will be pushed to maybe veto session of 2021 or Spring 2022.
- Spring session work is being planned, both in agency and with the governor 's office as everyone should know. IGAC sits within the Health and Human Services portfolio. We meet once, sometimes twice per week as a legislative and policy team.
- Director Orr, Deputy Director Parks and Legal Advocacy Services (LAS) Director Veronique Baker are the foundational pieces of the Special Education (SpEd) Initiative. This is a collaboration between the Human Rights Authority (HRA), LAS and Director Orr as a connector, having been a former educator and administrator in schools. There have also been additional staff hired for the initiative, so the team is growing.

- The SpEd team is reviewing Commissioner Carroll's seclusion and restraint bill. This is our 3rd review. We appreciate the fact that Commissioner Carroll has taken the time out, along with his chief of staff to talk to us about the bill and to take some of the Initiative's points into consideration. The team has reviewed the current iteration of the bill and plan to meet with Commissioner Carroll soon.
- The SpEd team has also reviewed the emergency rules that have been put out by the Illinois State Board of Education (ISBE), regarding loosening hiring credentials, particularly for psychiatrists, case managers, etc. There is still a shortage in education of both general educators, content specific educators and now support personnel. ISBE has been charged with coming up with some solutions. Not everyone will be happy with the current wave of solutions, but some solution is better than no solution.
- The Protection of Individuals with Disabilities in the Criminal Justice System task force is forging ahead with its work. It is in full implementation mode since the legislation passed, which was spearheaded by Commissioner Davis, and spearheaded on the Senate side by former Commissioner, now President, Don Harmon. If anyone like to follow the progress of the task force, the agenda and minutes will be on the IGAC website.
- The Sex Education bill for persons with disabilities is in full implementation mode and accountability mode. This bill, which passed a couple of sessions ago, was also spearheaded by Commissioner Davis and on the Senate side by former Commissioner President Harmon. Its progress can also be viewed on IGAC's website.

Motion was made by Commissioner Eisenhart, seconded by Commissioner Williams, to go into CLOSED SESSION.

Commissioner Dew: Yes	Commissioner Jenkins-Collins: Yes
Commissioner Davis: Yes	Commissioner Schleifer: Yes
Commissioner Carroll: Yes	Commissioner Kennelly: Yes
Commissioner Morrison : Yes	Commissioner Bennett: No present
Commissioner Eisenhart: Yes	Commissioner Rothert: Present, but did not vote
Commissioner Williams: Yes	

Motion was made by Commissioner Carroll, seconded by Commissioner Morrison, to return to open session.

Commissioner Rothert: Present but did not vote	Commissioner Schleifer: Yes
Commissioner Morrison: Yes	Commissioner Bennett: Not present
Commissioner Carroll: Yes	Commissioner Davis: Yes
Commissioner Jenkins-Collins: Not present	Commissioner Dew: Not present
Commissioner Kennelly: Yes	Commissioner Eisenhart: Yes
Commissioner Williams: Yes	

During the closed session there was a motion by Commissioner Schleifer, seconded by Commissioner Choi Williams to increase Executive Director Milano's salary by 2.1% retroactive to July 1, 2016, and pay her an additional one-time stipend of \$625.00.

Commissioner Rothert: Present, but did not vote	Commissioner Morrison: No
Commissioner Schleifer: Yes	Commissioner Bennett: Not present
Commissioner Carroll: No	Commissioner Davis: Yes
Commissioner Jenkins-Collins: Not Present	Commissioner Dew: Not Present
Commissioner Kennelly: Yes	Commissioner Williams: Yes
Commissioner Eisenhart: Yes	

Motion was made by Commissioner Kennelly, seconded by Commissioner Williams to approve the transcript from the July 15, 2020 meeting.

Commissioner Rothert: Present, but did not vote
Commissioner Schleifer: Present, but did not vote
Commissioner Carroll: Not Present
Commissioner Jenkins-Collins: Not Present
Commissioner Kennelly: Yes
Commissioner Eisenhart: Yes

Commissioner Morrison: Not present
Commissioner Bennett: Not present
Commissioner Davis: Yes
Commissioner Dew: Not present
Commissioner Williams: Yes

PROGRAM REPORTS

Human Rights Authority Teresa Parks, Director

- HRA has two new staff members: Laura Davis in East Central region, she is replacing Laura Hart who moved over to the SpEd initiative and Mariah Balaban, in the North Suburban region. Both individuals come to the division with a great deal of human service and disability related experience. The HRA is currently fully staffed.
- In relation to the Sex Education efforts, there is a guardianship fact sheet posted on the IGAC website that Office of State Guardian (OSG) Director Barry Lowy helped create, to educate guardians about their role and limits when deciding sex education. Also posted is a sexual rights statement and a link to the Department of Human Services' website. They are responsible for monitoring the implementation of sex education with disability service providers. They will be posting pre-approved curriculum that providers can choose from. The Self Advocacy Alliance created and held some focus groups and created a document about what self-advocates want people to know about being educated on sex education. There are several entities involved and what is posted on IGAC's website is just a part, but Human Services will hold most of the information.
- Funding has been secured through the Illinois Council on Developmental Disabilities, to create the trainer webinars series. Proposals are being considered right now. That webinars series will educate disability service providers staff on delivering the sex education.
- Despite COVID, HRA meetings across the state continue under the Open Meetings Act revisions. We have a person at a meeting location, we invite the public and many of our members join remotely.
- HRA investigations also have continued. Investigation interviews are held virtually and then collect evidence and data through email and mail. When a site visit is required, it is done with the appropriate PPE and social distancing.
- Statistical trends continue: most cases involve persons with mental health needs and mental health settings. Substantiated cases have involved cases involving Phillips Community integrated Living arrangements, group homes and jails.
- Most of complaints come directly from the person with the disability, a family member or guardian and the Office and State Guardian and Legal Advocacy Services. Many of the cases investigated have to do with treatment issues, rights restrictions, admission discharge practices and often forced medication issues.

- Most clients that report matters to the Authority about rights issues are living in congregate settings. They have been hit hard with COVID and some of those issues they are experiencing are rights related besides the medical issues, as well as communication issues; being able to communicate with the world outside of the facility. Support has been provided in rights issues associated with COVID, including access to masks for individuals.
- In the coming year, the HRA's goals are to continue to work on public awareness, making the public aware of our availability to assist with rights issues. If the legislative environment allows for it we will be working hard on a proposal for supported decision making, which would be an alternative to guardianship for persons with intellectual and developmental disabilities who just need a little bit of support but not a full-fledged guardianship and continue to work with LAS on developing the Special Education initiative.

Legal Advocacy Service

Veronique Baker, Director

- LAS continues its efforts to take over handling the civil mental health call in Illinois counties where there is a significant mental health call. Our next county is Randolph County where Chester Mental Health facility is located. Director Baker has reached out to the Public Defender who currently handles that call, has not heard from him but will reach out to him again. The other county LAS is looking to take over is Adams County; however, will wait because Adams County would impact the budget because it would require hiring a new attorney. Randolph County does not require that because one of the current attorneys can take over that call.
- LAS is working to expand its legal representation to improve special education. We have hired a paralegal for the pilot project. As Director Parks noted, Laura Hart is the Initiative's special education advocate. Attorneys have been interviewed for the special education attorney position, those applications will be scored and ranked and hopefully a special education attorney will be hired by the New Year.
- LAS been successful in having a petition for leave to appeal to the Illinois Supreme Court on a Craig H case. The gist of the case is that the client had a power of attorney for health care, an agent that was ready, willing, and able to act under that power, and had acted under that power by refusing involuntary mental health treatment and instead of there being any sort of process for allowing for the court to disregard the mental health directive, the court denied LAS' motion and proceeded to hearing anyway. LAS has been granted permission to appeal that case to the Illinois Supreme Court. They have begun the process of garnering Amicus briefs from other entities that would be interested. So far Southern Illinois University's Elder Law Clinic has agreed to explore the idea of submitting an Amicus brief and have also reached out to Thresholds.

Motion to adjourn was made by Commissioner Schleifer, seconded by Commissioner Kennelly.

Meeting was adjourned at 3:53 pm.