
COMMISSION MEETING MINUTES

Tuesday June 15, 2020 1:00 – 3:00 PM

Via WebEx

Commissioners Present

Anthony E. Rothert, Chair	Donald Dew
Honorable Andrea M. Schleifer, Vice-Chair	Kathryn E. Eisenhart
Representative Thomas Bennett	Mary Kennelly
Representative William Davis	Sonni Choi Williams

Commissioners Absent

Representative Jonathan Carroll
Dr. Sharon Jenkins-Collins
Senator Julie Morrison

Executive Staff Present

Dr. Mary L. Milano	Executive Director
Teresa Parks	Deputy Director / Director, Human Rights Authority
Kenya Jenkins-Wright	General Counsel
Clinton Everetts	Chief Fiscal Officer
Veronique Baker	Director, Legal Advocacy Service
Barry Lowy	Director, Office of State Guardian
Gia Orr	Director, Legislative Affairs / Director, Community Relationships
Lisa Tisdale	Director, Human Resources
Melanie Brambila	Private Secretary to the Director - Springfield
Atul Chokshi	Private Secretary to the Director - Chicago
Florence Martin	Confidential Assistant to the Director

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

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Director Milano suggested to Chair Rothert that while a quorum was present that the minutes from the previous meeting be approved. Chairman Rothert agreed.

Motion was made by Commissioner Williams to approve the minutes from the December 4, 2020 Commission meeting. Motion was seconded by Commissioner Davis and the minutes were unanimously approved.

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

Director Milano spoke highly of the contributions of the Commissioners in the legislative area, as well as in advice and support. On behalf of the staff she was proud to report there have been some very significant accomplishments in the last quarter in legislation, service, and implementation of technology. There have been organizational changes including both space and working arrangement adaptations; as well as development of visions that are going to be implemented for ways to further support the Agency's work organizationally in the most efficient and effective way. In moving ahead, she believes that the Agency has a vision that is cutting edge in its interactions, with support and empowerment of advocacy for its constituents, as well as education of the public and those in power and authority.

The Agency would like to hire, place and support staff strategically. It has had challenges in doing so, not so much in developing notions and ideas and plans for how that can happen, but in the actual ability to get the process from idea to fruition.

The Agency wants to be responsive to needs that we see, but proactive in identifying directions and solutions to serve and advance the position and possibilities of persons with disabilities. We want to collaborate with other agencies when possible but are willing to challenge when needed to work on new types of relationships and solutions. We want to support our staff and persons with the potential to work for, with and in our areas of concern. We have found ways to support educational and professional development, professional engagements and interactions and leadership in each group of our staff from top to bottom. There is a commitment that is significant to diversity, equity, and inclusion in our work relationships internally and externally. This isn't new, has been enhanced both in terms of work within the Administration and work outside of it, and across areas of government, society, and professions.

Budgetary challenges continue into this current year where our budget request was less than what the Agency believes it ought to have. Internally, the challenge is although we had plans and programs for a full spend and hire, up to and beyond what was funded, a number of which are bureaucratic and personnel-wise made it impossible to do some of those things. Some things are the Agency's responsibility, and some is being unable to continue to staff positions that support getting the staff onboard as well as the changing CMS requirements and geographic location of some positions. The areas in which we've wanted to move into that are difficult to hire, particularly the extremely needful areas of the far southern portions of the state, and in some areas the ability to hire people outside of the bargaining unit because we have historically had a disparity in potential for advancement financially.

Another challenge has been finding where within the HHS portfolio the Agency ranks in terms of priorities, believing that the original vision of the administration was to have an extremely collegial and collaborative relationship among agencies that was very open. The movement of personnel back and forth without our knowledge and with different criteria for compensation between agencies for the same position, has caused the agency to question whether there are issues it is unaware of in terms of a return to hierarchy of important agencies versus other agencies. There are some who think the agency shouldn't be a change agents: we should just do our job; however, we see our job in very expansive ways and have been able to prove how things can be done in the face of need, identifying and addressing them even in advance of either permission or money. The Agency will continue to enhance its representation in different markets downstate, Western Illinois,

concentrations of minority populations in Cook County, Spanish speaking populations in the western suburbs, etc.

The Agency has consciously decided to increase its support staff. In the past concentration has been on professional and field staff, concentrating on those who are in direct service. This approach is no longer possible, so between investing in technology and investment in support staff, the development of a call center, and the addition of some paraprofessional staff that is a change.

The search for resources will continue, either through increased fees, increased efforts to collect things owed to use from different counties, as well as grants to support the work already being done by the Agency.

The Agency will be returning to an emphasis on the ways it can serve immigrant populations. This was a major focus in prior years but due to staff reductions and other issues was put on pause. We are building up our ability to staff with bilingual people in a variety of areas—Spanish, Polish and Hindi to name a few—as well as put all our materials into both bilingual and accessible formats.

The Executive Team will be engaging in a process of strategic planning in the early Fall, to very intentionally move toward the future and figure out ways in which our various initiatives, ideas and the needs we are seeing and resources we have can come together.

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

Some of the Agency's major activities:

- The Commissioner's received an update on the Special Education Collaborative which is a collaboration between the Human Rights Authority (HRA) and the Legal Advocacy Service (LAS). It is intended to be a resource for families who have special education questions and issues. The Collaborative has a full team which includes an advocate, Laura Hart, a paralegal, Kelly Franklin and an attorney, Emma Dorantes. They've all received specialized training from the William and Mary Law School Institute of Special Education Advocacy and they're ready to go to work. They've already provided training for more than 50 individuals, most of those are internal staff, as well as our HRA members. The program has begun to receive external interest for trainings and are developing resources for families. They've begun handling calls and most recently established a database system to track activity as well as work on emerging trends. Thanks to Gia Orr, the program has a meeting scheduled with the State Board of Education in July.
- Another area of focus has been with the Department of Human Services. With the Division of Developmental Disabilities have quarterly check-in meetings to discuss any emerging issues. We've also participated in feedback sessions regarding new rules they're thinking of implementing.
- With Division of Mental Health, we've been examining various concerns as they occur. Most recently we've dealt with issues regarding phone access at state operated facilities, particularly Chester Mental Health Center which has been in the news recently. We've also worked on getting jail detainees that have been remanded to the department but are waiting for a bed.
- HRA and LAS worked jointly on the release of a client at Alton Mental Health Center, who is awaiting conditional discharge. Because we share many clients with the Department of Human Services, those exchanges will continue.

- A very specialized area of interface with the Department has been the implementation of the sex education bill. Since last year we've had monthly meetings and subcommittee meetings. Documents and materials have been created and are posted on the Department's web page.
- A grant was secured through the IL Council of Developmental Disabilities to start a train the trainer webinar series. This will be to educate disability provider staff on delivering sex education to their clients. That grant was awarded to Blue Tower Solutions. They are a well-known training resource for developmental disability services. Deputy Director Parks participated in module which goes over the actual legislation. The translation of the sex education materials into multiple languages is in progress.
- A lot of outreach regarding the Sex Education Bill has been done, including a presentation for the IL Guardianship Association, a conference for professionals who work in the field of developmental disabilities and a panel presentation for the ARC of Illinois' annual conference.
- The HRA and LAS are also collaborating with the Department on participation in a kickoff meeting to discuss a pilot diversion program that DHS is implementing, to deflect persons with disabilities from the criminal justice system. At the point they would normally get arrested, they would be diverted into treatment. This will occur in the St. Louis/Metro East area.
- There has also been collaboration with the IL Guardianship Association (IGA), which is a civic professional organization of State, public and private guardians. We've been hosting guardianship related webinars, and this allows our agency staff as well as our attorneys an opportunity to earn CEUs and CLEs. Recently there was a presentation about psychotropic medications, in a previous week a guardianship panel that included Office of State Guardian (OSG) Director Barry Lowy and OSG Guardianship Managing Administrator Susan Creighton, Stacy Burke with the Cook County Public Guardian's office and a private guardian, Rodney Jones who is also an HRA member. They shared information about guardian decision making and it was well received. Later in June the IGA will be hosting a webinar to share information about the HRA and 2 others are planned this fall with the Department of Human Services. The Agency is pleased to report that three of its staff serve on the board of the IGA's education committee: Deputy Director Parks, Kathy Kaniewski and Erin Nowlan.
- There was an annual meeting of the IGA was in May and at our request, the Governor's office participated and presented on the status of public guardian appointments across the state and the public guardian appointment process.
- Regarding the supportive decision-making legislation, which will hopefully be signed by the Governor, Deputy Director Parks is working on a sample supportive decision-making agreement and training materials, with hopes of receiving stakeholder feedback as those materials are developed.
- Director Milano and Deputy Director Parks submitted a presentation proposal for the NGA that was accepted, and they will be the closing general session for their conference.

Fiscal Report **Clinton Everetts, Chief Fiscal, and Information Officer**

- For FY21 the Agency will have a balance in its general revenue fund, ending the year \$300-400,000 unexpended. Monies in the general revenue fund are primarily used for payroll expenses. For FY22 we are planning for the 4.95% cost of living increase that will be given to bargaining unit as well as an increase for merit compensation employees of 3.95%. This will be approximately a \$355,000 increase; coupled with step increases, we'll see an additional \$100,000 increase. In comparison to the current year we'll see about a \$460,000 increase. There are many staff positions to fill within the agency and the agency hopes to be able to use some of the projected unexpended balance for hiring; however, it all depends on how things go with the hiring process.
- As for the Agency's own fund, the GAC fund, this year we will end the year with a little over \$1.1 million unexpended. Some of the biggest cost from the GAC fund FY20 to FY21 has been the purchase of the Panoramic case management system. To date we've spent not quite \$1.1 million for start-up costs and have approximately \$100,00 left to pay and then there will be the yearly license fee of \$150,00. In FY22 we'll see the remainder of the startup cost, plus our annual costs.
- In FY22 the agency will also have the cost of its call center which is currently in the works. Based on what has been quoted so far that will be approximately \$100,000.
- For FY22 the agency has been investigating areas where it can save money. Due to COVID, most of the Agency's staff has been able to work remotely; however, it has been spending \$13-15,000 a month for staff to be able to have two types of devices—a desktop in the office and a laptop for remote work—when the majority of the time they're working on their laptop or Surface Pro. As a solution, the agency has begun to install docking stations which will allow focus to be on one machine instead of two which will save money in the GAC fund.
- Regarding revenue, there was an AOT grant from which the agency received funding from FY19 that has lapsed. The agency is working on another AOT grant signed and that will be an increase in funding. There has been an increase in Circuit Clerk fees—probate fees—from FY20 to FY21 has had to do with COVID timing and when payments were received from the circuit clerk offices throughout the state.

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

- There is a shortage of Public Guardians in the State. The Governor's office has been working with OSG Director Barry Lowy and General Counsel Wright for recommendations for public guardians as well as outreach to OSG staff and other connections for recommendations. Several letters have been received from the Governor's office regarding appointments; however, when there's a vacancy in a county for a public guardian, GAC has made sure that the Governor's office is notified of its ability to serve as temporary public guardian in order to try to make market rate pay. The public guardian appointment list has been outdated for many years; she has worked with the Governor's office and has brought the list up to date so it accurately shows where there are vacancies and where GAC can temporarily serve and make recommendations.

- Along with Directors Milano and Parks, she has been trying to ensure that GAC promotes diversity not only in our interactions with the community but also within the agency. Here have been a few diversity trainings in conjunction with the IL Department of Human Rights. There were 4 trainings on *Appreciating Diversity* which were held live on WebEx. These were made mandatory for all staff in December as well as an *Intercultural Communications* training, also with IDHR on WebEx in mid-January which was also mandatory. Feedback was very positive and was something the Agency wanted to do after meeting with the union. General Counsel and Deputy Director Parks are trying to keep lines of communication open with AFSCME so communication with the union is not always in dealing with negative situations but neutral ones also.
- The Governor's office suggested that the agency draft a language access plan. After some research, Counsel Jenkins-Wright drafted the plan and submitted it to the Governor's office. This will include placing "I speak" cards which will let the public inform us what language they speak so we can have a plan in place to get them access to the language they need so we can communicate and best serve them. Once the plan is approved, we will begin training the staff.
- As CFO Everetts noted, the agency anticipates finalizing an AOT contract with Southern IL University soon. They have met with SIU to work on the contract and believe that they've created an agreement that all agree upon. Director Milano will soon sign the contract and this grant will help us increase revenue.
- Outside the Agency, General Counsel Wright and Director Milano have been co-chairing the IL State Bar Association's steering committee on racial inequality. This was based on the resolution they drafted in June 2020 denouncing the murder of George Floyd and inequities in the community and legal system in interactions with police. There has been much progress made: the legislative subcommittee worked to research and then later support the legislative Black Caucus Criminal Justice Reform bill. The ISBA was the only major Bar Association to slip in favor. Director Milano and Counsel Wright have been reappointed Co-chairs and have many plans for the committee to help make the state of Illinois and the country more equitable.

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

- Director Orr took the time to thank the Commissioners who are legislators for their guidance to her and for guiding the agency into a much stronger foothold in the legislative community during a season of many changes.
- Six of seven bills from GAC's legislative slate passed and are waiting to be signed. We are working with Representative LaPointe and Senator Feigenholtz to do a possible public signing for the Supported Decision-Making bill. One of the major springboards for the bill was guardianship for students who are transitioning out of high school, something as a middle ground for students so parents who were being advised that they should immediately file for guardianship of their students had another least restrictive option. In working with Representative LaPointe we've worked with some local occupational training schools, with Chicago Public Schools and reached out to other educational persons in the state. This is fresh in the works and we will see what happens with Governor's office.
- The one bill that was tabled was Senate Bill 538, the right to jury bill. This is the second time it has been tabled the bill. Director Orr, LAS Director Baker and the LAS team will not let the bill die. They have received a lot of advisement from Senator Peters as well as Senator Bennett on ways they think the bill will be able to carry stronger and pass with some data.

- The agency still has its 2021-2022 slate of bills, as well as new bills being worked on especially with the addition and start of the Special Education Collaborative. The focus now is on having the Governor sign our bills, talk about implementation of and accountability streams for our legislation. Some of the legislation that passed is not up to GAC to implement, i.e. the transfers between DHS facilities bill, and preparing for veto session and the agency's spring slate.

PROGRAM REPORTS

Office of State Guardian Barry Lowy, Director

- There were 3 pieces of legislation that were pushed hard by GAC. They addressed issues relating to continuity of care of wards under temporary guardianship when there wasn't a plenary file; enhancing the dignity of individuals with personal guardians by amending the substitutive judgment decision making standards, and mitigating suffering of our wards and others who are out of state receiving end of life treatment and who are actively dying and we couldn't do a do not resuscitate consent order because the way the law was written you had to be an in-state doctor.
- OSG has been very active in the last quarter in outward training through the IGA. Director Lowy will be presenting with the Department on Aging to about 300 registered individuals on the ethics of guardianship.
- A major accomplishment that has been in progress for the last year and a half has been the completion and implementation of the Panoramic case management system which went live on June 1. It was a major task in getting it purchased and there are some technical issues that are being worked through but nothing that cannot be solved. We've worked on an OSG standardized training manual to bring training to the guardianship representatives in all the regional offices, which includes the new procedures and practices that we will be implementing with Panoramic.
- We have finalized an interagency agreement with the Department of Natural Resources (DNR). The DNR statute was amended a few years ago to allow for scattering of ashes of wards in state parks. We've worked to identify different parks that will work for them; however, per legislation, the DNR must develop rules to engage in that process to identify their parks allow the public to do this. They've not developed the rules so OSG felt that developing an interagency agreement would be helpful until they can complete the rules. The agreement has been sent to DNR's Director to be signed.

Human Rights Authority Teresa Parks, Director

- Most HRA complaints come directly from the person with the disability, a family member or guardian. Complaints involving mental health providers are at the top of the list but we're starting to see an increase in complaints in cases involving Community Integrated Living Arrangements (CILAS), which is the most common type of group home in Illinois.
- There has been an increase in cases involving jails that have to do with access to treatment, medication in jails and people getting transferred out of jail and into DHS settings when needed.

- Substantiated rights issues tend to concern access to adequate care and treatment, medication issues—most often forced or emergency medication—being given to people with mental illness when there really isn't a dangerous situation. There's also substantiated rights issues surrounding discharge practices, people not getting discharged when they request, maybe involuntarily being discharged from a provider.
- There has been an increase in complaints and cases involving restrictions of rights. Many times, this involves restricting people from access to their person property or restricting communications in some way.
- Director Milano mentioned *The Advocate* newsletter, which was developed by one of the Authority's managers, Gene Seaman. It highlights some HRA cases, particularly ones that have had far reaching impact on systemic policies pertaining to people with disabilities. Gene continues to be involved in public awareness activities to promote the program and increase its visibility across the state.
- HRA has recently taken a more deliberate approach specific to the interactions of law enforcement with persons with disabilities. IN the past the Authority has received informal complaints along these lines and has tried to informally address them because it wasn't sure of its jurisdiction. They've researched the laws to find their jurisdiction. This evolved out of a mutual client of LAS and HRA and we saw the need to take it further. We will be doing some staff trainings in September around this issue and will be taking on cases complaining of rights violations involving law enforcement starting in the fall.

Legal Advocacy Service

Veronique Baker, Director

- During the first five months of the year the LAS handled over 2800 mental health cases from around the state. The LAS attorneys have participated in about 280 mental health hearing and there's probably an LAS attorney representing a matter in mental health court on everyday of the week throughout the state of Illinois.
- LAS is currently available for legal representation in 14 of the counties throughout Illinois and have been asked to provide legal representation Whiteside county near Rockford. It's a community that has about an 8-10 bed unit, so we don't expect a lot of activity, but we have provided representation for clients there on 3 or 4 different cases this year. We're in the process of having the court have LAS as the appointed counsel when mental health hearings are held in that county. This gives LAS direct access to its clients, the client's records, are the noted appointed counsel in those cases and a series of rights that belong to the clients are immediately invoked when LAS is providing legal representation.
- To clarify an earlier discussion on SIU and AOT, the SAMSA grant for assisted outpatient treatment was granted and LAS has been working with SIU. The grant was awarded in January or February of 2020. The attorneys in Springfield have provided assisted outpatient treatment preparation in Sangamon County. The contract that Counsel Jenkins-Wright and CFO Everetts are working on seems to be a modified contract of how SIU as the grantee is going to be reimbursing GAC for the services we provide.
- There are currently 19 appeals pending in various appellate district courts. Two are in the IL Supreme Court. LAS has agreed to sign on with an Amicus brief regarding confidentiality for a matter out of 3rd district.

- LAS attorney Matt Davison wrote an article that was published in the Loyola Law Journal, pointing out faults that were observed in civil mental health court; specifically, the right to in-person hearings and the fact that mental health hearings are generally open to the public. Although civil cases in general have been made available to the public via ZOOM, mental health cases have not. There was some push back from some judges, but in turn there was recognition that Mr. Davison was correct and administrative orders were entered that clarified that although we are in the midst of a pandemic, our mental health clients do have the right to request an in-person hearing. Those requests have been made recently in Cook County and have been granted in Randolph County as well.
- As previously stated, the jury trial bill has been tabled for reasons we're not clear, but LAS will be back. We are pleased and proud that two other appeals have passed. The right to transfer between state operated facilities, something that attorney Barbara Goben has worked on for a couple years and our revocation of power of attorney, something that attorney Laurel Spahn researched and it was determined that it was a worthy option for our mental health clients in particular, but also noted that it would be helpful to people in the general public.
- Mr. Davison was accepted into the Homeland Security masters program. He is participating in in-person training and was sought out to apply because they were interested in having attorneys familiar with civil mental health cases in the program. We take that as kudos that he was recognized as someone who would be a good fit for the program.
- LAS attorney Kelly Phelps, who is also a registered nurse, has used his skills as a nurse to volunteer and provide COVID-19 vaccinations for people in the Springfield area.

Motion to adjourn was made by Commissioner Eisenhart, seconded by Commissioner Williams.

Meeting was adjourned at 3:05 pm.