

## COMMISSION MEETING MINUTES

**Monday, December 19, 2022, 1:00 – 3:00 PM**

**Via WebEx**

### Commissioners Present

Representative Jonathan Carroll  
Representative William Q. Davis  
Vice-Chair, Donald J. Dew  
Kathryn E. Eisenhart, Esq.

Ava George Stewart, Esq.  
Mary Kennelly  
Chair, Sonni Choi Williams, Esq.

### Commissioners Absent

Representative Thomas M. Bennett  
Senator Julie Morrison  
Anthony E. Rothert, Esq.

### 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
Daniel Campbell	Director, Human Resources
Veronique Baker	Director, Legal Advocacy Service
Barry Lowy	Director, Office of State Guardian
Gia Orr	Director, Legislative Affairs / Director, Community Relationships
Atul Chokshi	Private Secretary to the Director – Chicago
Melanie Brambila	Private Secretary to the Director - Springfield
Florence Martin	Confidential Assistant to the Director

**The meeting was called to order by Chairman Williams at 1:12 pm. Roll was taken, and a quorum was present.**

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### OFFICE OF THE DIRECTOR

## **ACTION ITEMS**

- **Approval of September 19, 2022, meeting minutes.**
  - Motion was made by Commissioner Mary Kennelly and 2<sup>nd</sup> by Commissioner William Davis. Roll call was taken, motion passed, and the minutes were approved.

## **DIRECTOR'S REPORT**

**Dr. Mary L. Milano, Executive Director**

Director Milano began by expressing thanks to the Legislative members for being present and expressed condolences to the family of Representative/Commissioner Bennett in his absence, for the loss of his nephew Senator Scott Bennett.

She went on to report the agency has had a series of wins this year which would be covered in greater depth later in the meeting by the various program Directors.

- The Agency is anticipating a budgetary increase again, as well as some shifting of resources between the Agency's GAC and General Revenue fund, which will better support programs and create sustainability in the future.
- The Agency has increased and will further increase its headcount at the greatest rate that it has thus far. We expect to make 121 the headcount this year, which is a substantial increase. In the upcoming year the Agency is aiming for a headcount of more than 130. Those individuals will support not only existing programs but will support expansion into several different areas. This will include greater emphasis on special education and advocacy for persons in the criminal justice system and for services to immigrant communities across racial and ethnic groups, particularly those who have arrived without documentation and may be seeking asylum claims, as well as expansion into counties in Illinois—for all programs—based on communities of color, communities that are marginal in other ways including socio-economically or geographically, or through lack of services that could be provided.
- The Agency has been working diligently on its strategic plan over the last year and a half. The final Executive Staff retreat is scheduled for January 2023. The focus will be implementation steps and consensus on how to prioritize resources, expansion and development of existing programs, and collaboration across programs.
- Commissioners were asked to focus on information they were provided from the Illinois State Legislative Form, (ISL), which is a document all agencies do each year in support of budget request, etc. Programmatic priorities are addressed and show a spread of interest and resources around several areas. On the administrative side, restructuring of some of programmatic structures to better support frontline staff, the expansion of services into unserved counties, and the development of public guardianship work; the Agency's Special Education Collaborative is outgrowing itself monthly, demonstrating the extent the services the Agency has started providing are desperately needed.
- Reduction of Office of State Guardian (OSG) caseloads is a continued objective.
- The Agency is seeking a Policy and Training position which will take some of the burden from people who are presently bearing the responsibilities of that position and integrate our language access, DEI and community outreach efforts. Individuals who are working in those areas will continue but take some of the burden from them and better coordinate them.
- The Agency is looking to enhance a criminal justice initiative; the jails being the principal source of residents for most people with mental illness, and Habeas work and human rights work centered around jails.
- Collaboration with other agencies, including the Supreme Court and other states in terms of models for better monitoring guardianships, to gain a better idea of who are guardians and if there are any deficiencies people should be aware of before being appointed and better ways of supporting the courts and others who are in charge of making certain that guardians are doing their jobs as required by statute.
- The Agency will continue to pursue and develop initiatives around supportive decision making. It is a point of potential autonomy for many people. A bill was presented to the Governor's office, in hopes of expanding its

reach and implications, but have not been given permission to move forward. This would have supported the ability to use supported decision making as criteria which would enable an individual's restoration of rights and participation of supporters in the end-of-life decisions, when they are not.

- Another legislative initiative that was not permitted is the ongoing effort to place cameras in restraint rooms and seclusion rooms in DHS facilities. The agency will continue to pursue.
- Despite the constant challenges, the Agency is moving forward in a positive direction and staff, collaborators in the community and even its population with disabilities are enthusiastic to confront them.

## ADMINISTRATIVE REPORTS

### Deputy Director Report                      Teresa Parks, Deputy Director

- Deputy Director Parks called the Commissioner's attention to materials they were provided regarding the Agency's strategic plan. She was happy to report that progress has been made in almost all the areas and with some objectives completed. The Agency is tracking timelines and objective on a separate working document, that is used as we move toward implementation as will be done in January.
- One of the things created because of the strategic planning efforts was a crisis review team, which is intended to look at any internal conflicts we experience, as well as resolving reoccurring issues that some of the people we serve face on a regular basis. The team is meeting on a quarterly basis and attempting to work through some of the issues.
- Collaboration with other agencies and entities continues for the mutual benefit of the individuals served. There are regular meetings with the Department of Children and Family Services (DCFS) and Department of Human Services (DHS), regarding an interagency agreement to facilitate transitioning of youth in DCFS care to adult guardianship if needed, as well as adult human services. There are regular meetings with DHS also, regarding transfers between state operated facilities, to ensure people are in the least restrictive settings and are being served in the least restrictive setting. Discussions are being had regarding the lack of civil beds that are available to people who are in the community needing crisis care.
- Other collaborations include the Self Advocacy Alliance in the rollout of supported decision making. The Alliance has been key in informing people with intellectual and developmental disabilities to accessing to supportive decision making. They have been given the Agency some good feedback and will meet in January to develop a social story that will aid people with intellectual and developmental disabilities to better understand this model of support.
- Work continues with the IL Guardianship Association (IGA) in the provision of educational opportunities for GAC staff including CEUs and CLEs.
- Deputy Director Parks and Executive Director Milano co-presented at the National Guardianship Association (NGA) conference in October. The title of their presentation was *From Protection to Autonomy: Changing the Trajectory of Adult Guardianship*.
- The Agency continues to meet monthly with the Deputy Director for Health and Human Services and submit a report to them. A sample of the monthly report was provided to the Commissioners.

### Fiscal Report                                      Clinton Everetts, CFO

- Since the last meeting there'd not been much change fiscally. Year to date numbers on the Agency's revenues and expenditures were provided to the Commissioners in their information packets.
- The agency is beginning to work on the FY24 ISL. The Agency is seeking to get additional funding in the GRF fund to be able to continue its hiring efforts, and to combat the rising costs its experiencing with intergovernmental transactions, specifically DoIT and CMS. Since FY19 these transactions have almost doubled, which for a small agency such as GAC when paying those operational expenses from the GAC fund, expenditures are outweighing our revenues which is an area it is working to address with the Governor's Office of Management and Budget (GOMB).

- Work continues to get counties that have not remitted any probate fees to the Agency and has experienced a small victory in remitting \$760 from Jackson County, one of the counties that hadn't remitted anything. An email was received from Winnebago County, stating that they're interpreting the law to say they can have the discretion to do as they please, which is a reason why the Agency is addressing updating the language in the statute.

## **Legal Report**

### **Kenya Jenkins-Wright, General Counsel**

- Giving an update on a trial involving an assault by a priest on one of the OSG wards, Counsel Jenkins-Wright was pleased to report that the priest was convicted on all charges, motion for a new trial has been denied and the sentencing date was moved to January 26, 2023. She and OSG Managing Attorney Ellen Byron and Guardianship Representative Isha Ward worked together to draft a victim's impact statement for the ward, which has been sent to the State's Attorney. Also, regarding the civil case, OSG Director Lowy located a plaintiff's firm to represent wards. The firm was approved by the probate court, a mediation was held, and the Agency was able to settle the matter for \$190,000 from the Diocese of Joliet. One third of the monies will go to the plaintiffs' attorneys and the remainder of the monies will go toward the ward.
- She gave a reminder to the non-legislative Commissioners of an email they received, asking them to complete various trainings on the OneNet system, as well as the Statements of Economic Interests season which will begin in March 2023.

## **Legislative Report**

### **Gia Orr, Director, Legislative Affairs / Community Relationships**

- 2 bills passed during Spring Session: The Expansion of Guardianship Training and The Healthcare Surrogate Act Reconciliation Bill in relation to a bill that passed for individuals in the POLST community. The implementation stage happened almost immediately in Cook County and was already in place in the other 101 counties.
- The Agency has had several legislative successes through the support of the GAC Commissioners who are Legislators. Director Orr thanked them for what they've done thus far and for what is to come.
- There have also been legislative challenges with a list of 8 proposals submitted to the Governor's office. 2 of the proposals have been approved and had been previously mentioned by Director Milano and CFO Everetts: Probate Fees, the Agency is working to clean up the language that allows a county, such as Winnebago, to assert that they have their own discretion. The language, with support from GOMB, has been submitted and will hopefully usurp Winnebago and any other county that wants to take that stance. The second proposal that was approved is the Developmental Disabilities Code Admonishment of Rights Bill which Director Parks will discuss in her program report.
- The proposals that were turned down are the previously mentioned were cameras in state operated facilities and the Supportive Decision-Making omnibus the Agency was trying to do to expand that into other Acts.
- The Special Education School Records Act is currently on hold, due to pending conversations between agencies it can affect. GAC is in a cycle of conversations with DHS and the Illinois State Board of Education (ISBE) who has great concern with the expansion of the School Record Act regarding the voluminous number of records that must be kept for a person to prove that later in life they need services. For a person to receive services they need to be able to show they've needed those services for a certain amount of time when they were diagnosed. To do so, some of the records are kept when an individual is in school and we're asking that those records become part of permanent records; however, ISBE feels that keeping those records is burdensome on schools/school districts.

## **CLOSED SESSION**

Commissioner Ava George Stewart motioned, and Commissioner Eisenhart seconded that the meeting move into closed session under the Open Meetings Act 2c 1 regarding appointments, employment, compensation, discipline performance or dismissal of a specific employee. Roll call vote was taken, motion passed. Executive Staff was dismissed, and the meeting entered closed session at 2:11 pm.

Meeting returned to Open Session at 2:37 pm.

## **Human Resources Report**

**Daniel Campbell, Director**

- Director Campbell has been working on improving reports and updating the onboarding policy and finding ways that the Agency can be more innovated in hiring. In addition to the position of Technical Advisor II, there are plans to add the position of Technical Advisor III and do a wave of hiring for that position over the next 2 years and anticipate hiring 2 in the TAIII position soon. These are likely to be filled internally and would be a promotion for those individuals.
- There are currently 15 positions the Agency plans to hire this year while managing the Central Management Services (CMS) lag encountered previously. Among those working titles are Director of Policy, and the 2-Technical Advisor III positions. There will be posting for the position of Fiduciary Manager in January 2023. There was a posting 2 months prior for a Guardianship Managing Attorney in the Egyptian Regional office located in Anna, IL, which wasn't filled and will be reposed with hopes of a better outcome. There will also be 4-5 Technical Advisor II hires in various regions from Rockford to Adams County; 2-Technical Advisor II hires in Cook County, and 1-Technical Advisor II in Springfield.
- Many of the positions are prepared to be posted, but have had lag with CMS for 2-3 months, which causes the Agency budgetary issues in terms of planning and developing a plan to combat some of the issues it's experiencing.

## **PROGRAM REPORTS**

### **Office of State Guardian**

**Barry Lowy, Director**

- During the last year time has been spent streamlining processes to become more efficient, and the results have been apparent, particularly with respect to fees. Last year on the Public Accountability Report (PAR) the Agency reported to the legislature it would get \$150,000 in fees but received \$278,000 in fees. Unfortunately, some administrative costs will consume most of those monies, but OSG is working diligently, and it has been accomplished through streamlining spreadsheets and processes, and cataloging fees. The OSG paralegal has been very instrumental in the process.
- The Agency is currently working to modify its Panoramic case management system by developing screens to organize document reviews, to distribute the burden and be able to keep track of and catalog and document those reviews.
- OSG is experiencing a lot of staff turnover. There are outstanding Guardianship Representative (GR) positions that are in the mentioned CMS lag awaiting approval.
- Director Lowy gave an update regarding a Class Action lawsuit against Alden Healthcare. The lawsuit was filed but, unfortunately, a few OSG wards who were named plaintiffs have passed away, but 3 additional plaintiffs have been identified who OSG will be tendering to Equip for Equality to add to the lawsuit. The lawsuit was filed in chancery and there's an upcoming meeting next week for further updates.

### **Human Rights Authority**

**Teresa Parks, Director**

- The HRA has not had any staffing changes in the past 2 years. There has been an increase in caseloads sizes in the Chicago region and at the opposite end of the state, in the Egyptian region located in Anna, IL. The Authority is taking a hard look at staffing needs for FY24 in each of those regions.
- There has been an increase of cases, most of which continue to be about mental health rights and come directly from persons with disabilities, which has been an ongoing trend for many years. There has been an increase in jail cases, and most of those jail cases involve persons with mental illnesses and frequently involve access to medication or accommodations while they are in jail.
- As Director Orr mentioned, there was a legislative proposal we've received permission to move forward regarding Rights Admonishment from the mental health code. This concerns an Act that was passed a few

years ago called the Healthcare Worker Prevention Act. The Act allows healthcare workers in certain healthcare settings to call the police if a patient is aggressive or violent toward them. This would include patients with mental illness who may be displaying symptoms of their mental illness. The Agency's proposal would include information about the Healthcare Worker Violence Prevention Act and the fact that the police can be called. If someone becomes violent or aggressive in the rights admonishment statement, that mental health recipients are required to receive when they enter a mental health setting. This may better inform them of the possibility that they can be arrested. Currently under the Act, hospitals are only required to post notice about this Act and not hand anything to them.

- HRA is planning to do a staff training in the spring and hosted 3 student interns this fall from University of IL and Bradley University. They all successfully finished their internships.
- On the Special Education side, intakes have more than doubled during the 1<sup>st</sup> quarter of the current fiscal year, for the Special Education division.
- HRA was able to hire another Disability Rights Manager in the Special Education division, so now there are 4 staff members in that division. There are plans to hire a Spanish speaking Disability Rights Manager to be based in Cook County in the current fiscal year.
- There are also plans to launch a training module on Special education rights that will be delivered directly to students receiving specialized services.

### **Legal Advocacy Services**

**Veronique Baker, Director**

- Director Baker reported that since the last meeting there were 2 appellate decisions from the 5<sup>th</sup> district. Both cases came out of Chester Mental Health Center in Randolph County. Those opinions centered around the need for doctors to provide specific written information to recipients of mental health services when they are seeking to propose a treatment plan that includes multiple psychotropic medications, and the possible risk, benefits, and side effects of using those medications in a combination.
- One of the LAS attorneys had appellate oral arguments out of the 2<sup>nd</sup> district. The arguments went well until one of the appellate court justices referred to LAS clients as being "bonkers". LAS is formulating what type of response, statement, or inquiry it would like to make regarding the disrespectful term. Dealing with any other person in an underutilized population in our society, that would never be tolerated.
- As was previously indicated, the Special Education program is expanding. She and Director Parks will be meeting to investigate areas for further expanding the pilot program, around the state, where there a significant contribution can be made and where that population has little to no legal representation.
- LAS is expanding into Kane County and looking to expand into Randolph County where Chester Mental Health Center is located. Chester Mental Health Center continues to be a great source of appellate cases and the sooner that LAS is there to provide legal representation, education, and training, it would help stop the rights violations that continue to occur in that facility.

Motion was made to adjourn by Commissioner Eisenhart and seconded by Vice Chair Dew.

Roll call was taken, motion passed, and the meeting was adjourned at 3:02 pm.