

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

COMMISSION MEETING NOTES

December 9, 2008

1:00 PM

Video Conference Sites:

**James R. Thompson Center
100 West Randolph Street,
Room 9-036
Chicago, IL. 60601**

**500 ½ Stratton Building
Springfield, IL.**

**Lawson Hall, Room 105
SIU Carbondale, IL.**

MEMBERS PRESENT

Dr. Seymour Bryson, Chairman (Springfield)
Saul Morse (Springfield)
Representative Angelo "Skip" Saviano
Representative Kathleen Ryg
Inez Torres Davis
Anthony Rothert
Glenn Jackson (Carbondale)

MEMBERS ABSENT

Senator Don Harmon
Andrea M. Schleifer
Senator Ira Silverstein
Kenley R. Wade

GUEST

Eric Fish, Uniform Law Commission

EXECUTIVE STAFF PRESENT

Chicago

Dr. Mary L. Milano, Executive Director
John H. Wank, General Counsel, Deputy Director for Programs
Veronique Baker, Director Legal Advocacy Service
Bobbie Fox, Associate Director Human Resources
Helen Godlewski Brownfield, Director Office of State Guardian
Florence P. Martin, Private Secretary to the Director
Gina Rossi, Director of Policy and Training

Springfield

Carol R. Tipsord, Director of Fiscal Operations
Teresa Parks, Director Human Rights Authority

MEETING CONVENED

The meeting of the Illinois Guardianship and Advocacy Commission convened at 1:00 pm, December 9, 2008, in the James R. Thompson Center, Chicago, Illinois, Room 9-036, and at 500 ½ Stratton Building, Springfield, IL. and Lawson Hall, Room 105, SIU Carbondale, IL. through videoconference. Chairman Dr. Seymour Bryson presided.

Director's Report - Director Mary Milano

The Director opened with a discussion about office staff and the need to fill the positions which are vacant due to staff retirement or illness. First, she remarked that it is necessary to hire the staff who will be responsible for the fiduciary affairs, financial, transactional and income tax reporting for all the over 5000 wards. This person handles as well submission of the Medicaid remittance reimbursement requests which directly benefit the General Revenue Funds. She indicated that a strong candidate has been identified who is familiar with operations and has worked with the State, but that hiring for this position is on hold. Second, the need for hiring an Office Associate is critical; with the retirement of Berthine Calhoun, a long-time employee of IGAC, the office does not have someone to answer the door. The third quasi administrative position is two fold - one is a contract pending for administrative matters relating to the Volunteer Guardianship Program, and as Confidential Assistant to the Director also providing support to the Director, and to cover development including grant writing. These are pending in the Governor's office.

Besides these pending positions, the commission is aware that due to critical illness one of our guardianship representatives will need to be replaced in the very near future.

Currently, although GAC has the funding for these positions and as it does not appear that next year additional funding will be available, hiring is in a deadlock, once again, between the Governor's office, between Mr. Harris's office and Office of Management and Budget for these ten positions. These ten positions will not bring GAC up to head count, but it will alleviate some of the serious issues with handling case loads and administering the ongoing work of the agency.

Director Milano stressed that the Volunteer Guardianship Program is a very important IGAC initiative which benefits the wards directly and relieves pressure on the guardianship representatives. The program enables OSG to pay more personal attention to the wards, relieves stress in the administrative area and helps to create nurturing relationships with legal aide providers.

She remarked that despite these staffing challenges, she envisioned another successful year, moving forward with the legislative initiatives that were started last year. John Wank will be discussing that later in the meeting.

Chairman Bryson suggested that action items be moved up on the agenda. Director Milano confirmed that there was a quorum and so the body decided it could vote on the action items.

At this time, GAC staff attempted to bring Senator Harmon into the meeting by teleconference, but due to technical difficulties the connection could not be made.

Director Milano welcomed Commissioner Rothert to his first meeting. She noted that Tony is a new commissioner, associated with the American Civil Liberties Union. He past includes legal

work with the commission. He has been instrumental in some exceptionally useful litigation; GAC expects that he will make a significant contribution to downstate representation.

Dr. Milano also noted that (will mention in detail in Fiscal officer's report later) because of the requested budget increase, IGAC was able to make some progress in bringing the merit compensation employees closer to the compensation levels that bargaining unit employees enjoy. GAC was able to match the raises by a combination of bonus and base increases for the merit comp employees this year. Last year, 3% bonus this year 6%

Chairman Bryson asked that action items be addressed next.

Meeting Minutes were reviewed. Representative Saviano made a motion to approve the minutes of the last meeting, the motion seconded by Representative Ryg and the motion carried.

Human Rights Authority - Director Teresa Parks

HRA Personnel report

Director Parks presented the three new appointments for regional authorities and one reappointment for Regional Authority in Metro East

She noted that there was an additional item that just came in the day before the meeting, from the North Suburban Human Rights Authority. The issue is a case transfer from the North Suburban HRA to the Chicago HRA because of a conflict of interest. One of the volunteers of the North Suburban HRA is employed by the service provider named in the case.

A motion was made to approve the case transfer by Saviano and was seconded by Jackson, the motion carried.

New Appointments:

Phyllis Brown	Egypt HRA
Victoria Baxter	Metro East HRA
Barbara Allen	Springfield HRA
Heidi Angelis	Springfield HRA
Linda O'Rourke	Springfield HRA

Reappointment of Emil Wilson for the Metro East, HRA

Motion was made by Commissioner Jackson to approve these new appointments and reappointment; the motions was seconded by Torress Davis and it carried..

Chairman asked for any Legal Action items

Dr. Milano recommended moving forward these items:

- 1 - Appoint a committee to select Commission officers
- 2 - Appoint a committee for the Director's evaluation

Chairman Bryson suggested that the body consider appointing a nominating committee to make recommendations for Officers and present this information. He asked that someone volunteer to chair that committee.

John Wank indicated that there are three chief officers: Chair, Vice-Chair and Secretary/Treasurer. A question was raised: Are all the current officers interested in running again? The body discussed how to proceed. The Vice-Chair indicated that he is not desirous of running again. Representative Ryg and Commissioner Torres Davies indicated interest in working on this committee. They will report back at the next meeting.

John Wank clarified that in order to be compliant with the Open Meetings Act, any recommendations that the Committee members must make, they must bring them back to the full Commission, and then any recommendations that are made must be made in a public meeting and suggest to the full commission any action.

Chairman Bryson asked that the body consider bringing closure to the six month long discussion about salary recommendations for the Director. He suggested that John Wank present some guidelines and that body discuss this matter through a teleconference, so that recommendations can be made at the next meeting. John will provide copies of prior evaluations which can serve a model for any future evaluations that the commissioners may conduct. He also suggested that a review be conducted outside the framework of the Commission meeting process as long as no action is taken in that session and that this is reported back as was discussed earlier. The body can also address any questions to the Human Resources Director, Bobbie Fox and to the Chief Financial Officer Carol Tipsord to get a sense how it gets done in other agencies.

Director Milano indicated that she has the CMS forms from last year: she could update those and circulate them to the sub-committee on evaluation and compensation, in order to expedite the process, so that these discussions could take place between now and the next meeting, and so that recommendations could be made at the next meeting. John Wank confirmed that the necessary information has been compiled. Chairman Bryson indicated the need to determine what the body's role in compensation is, not only cost of living but also bonuses. He asked that a committee be formed with a director and two others to evaluate this and come back with recommendations. John Wank clarified that bonuses are a new element for State government, created by Central Management Services two fiscal years ago. John Wank explained how supervisors use this process to evaluate the staff they supervise and that any remuneration that is received is composed of these two parts - the annual (cost of living) increase and a bonus, and that other agency directors are compensated in the same way. He recommends that Dr. Milano's compensation should be like that of any of the other Merit Comp employees. The base adjustment which would increase her salary every month by a proscribed amount dictated by CMS and secondly, by the percentage recommended for each fiscal year. Dr. Milano explained how the desired range for these has been agreed upon by the executive staff - 5.5 - 6.5 %. Essentially this is the same process which was used last year, when the Executive staff and the Fiscal Officer looked at the available resources, what were the needs and what was the performance.

Chairman Bryson asked for two volunteers to work with him to come up with a recommendation for the next meeting. Torres Davis and Rothert volunteered to serve on this sub-committee for the evaluation and compensation for the Director.

Commissioner Bryson indicated that he would review the materials and then schedule a meeting with members of the subcommittee..

This concluded the items which needed action by the Commission.

Legal Report

John Wank, Chief Counsel and Deputy Director for Programs indicated that he wanted to discuss legislation rather than legal issues.

There is one case pending before the Illinois Supreme Court (Veronique Baker will include in program reports)

As far as legislation is concerned, there are four items which he wanted to discuss; John presented two of them and Mr. Eric Fish talked about the next and the last item received an abbreviated summary.

The first item is one that was presented in the packet and also emailed to each Commissioner; it relates to GAC's proposal to amend the statute that deals with the appointment of public guardians in Illinois.

The background is simple: GAC interacts with the Governor's Office of Boards and Commissions, who is responsible for the appointment of every public guardian in 101 counties in the State. They have asked GAC to propose candidates to fill those positions. GAC have a good working relationship especially through the efforts of staff, particularly Gina Rossi and Helen Godlewski-Brownfield.

John Wank indicated that there have been problems with the process of recommending candidates and in order to improve this process, he suggested the following changes:

- The law should be changed to allow that the same individual be authorized to serve in multiple counties.
- These individuals should be required to be certified guardians.

The body entered into a discussion of these recommendations.

Representative Saviano requested that perhaps some provision to alert county officials of gubernatorial public guardian appointments be written into the law. Directors Milano and Wank agreed to review the legislation and determined where and how such a provision could fit into the law.

After the discussion was completed, John Wank presented the next legislative recommendation which pertained to the GAC enabling act, which created the Guardianship and Advocacy Commission in 1979. Some of the processes in place pertaining to the HRA have resulted in problems for the Commission and for the various authorities. He recommended that some of the administrative routines be changed regarding the personnel reviews for the 81 individuals of the nine HRA authorities, which would place the HRA as one of the three divisions of the

Commission in parity with Legal Advocacy and the Office of the State Guardian. Dr. Milano suggested that Representatives Ryg and Saviano co-sponsor this legislation, and Senator Harmon will be asked to sponsor it in the Senate.

John Wank continued to the next legislative recommendation which pertains to the hospital abuse legislation - House Bill 5492, sponsored by Representative Ryg. This legislation cleared the House and awaits action in the Senate. Work will start over again on this bill when the General Assembly reconvenes after the first of the year.

The last legislative recommendation pertains to an external matter. Mr. Eric Fish, a representative from the Uniform Law Commission, formerly the National Conference of Commissioners on State Law, presented to the Commission regarding the need for this legislation, but first John Wank gave some clarification. The Office of State Guardian has dealt with these issues for many years; GAC has even litigated one case to an Appellate Court in Missouri that exemplifies the need for legislation of this kind. In addition, the Illinois Guardianship Association has endorsed this bill and recommended its passage along with the National Guardianship Association. There is a lot of support for this bill.

Mr. Fish spoke about the Uniform Adult Guardianship and Protective Proceeding Jurisdiction Act - UAGPPJA - a product of the Commission which has members from all 50 states, DC, Virgin Islands and Puerto Rico. The Commission seeks to harmonize state law and deal with any legislation that is interstate in nature. He presented a piece of legislation which provides a solution for the problem in Adult Guardianship cases with regard to Protective Proceedings. The Act creates a process for determining which state would have jurisdiction for a guardianship case and it establishes rules for transferring a case if needed and rules for enforcement. This act will be presented in about 25 states; five states already have the law. Hopefully, by the year's end, 30 states will have incorporated it. Representative Ryg offered to work with Mr. Fish and GAC to sponsor this Act in the State Legislature.

Fiscal Report - Carol Tipsord

Chief Financial Officer, Carol Tipsord made her presentation. Two budgets were recently submitted to OMB for Fiscal Year 2010. One budget is 97% of the Fiscal Year 2009 Budget for \$10,010,296.00 and the second, with a 5.2% increase of \$10,858,000. Option one will allow GAC to continue the headcount that it currently has, including the four people out on medical leave. The second budget option will allow a headcount of 115 for the whole fiscal year, (with an understanding of the lengthy process of posting a job and hiring some leeway with funding) Currently, GAC is staffed at 112 employees with four on leave, a total of 108 paid staff. There is a 3% reserve on the current budget. Hiring is critical in this fiscal year.

Budgetary issues were discussed, such as the backlog of payments to vendors, which caused problems such as the loss of fiduciary software support for a period of time until payment could be released. GAC employees are not impacted by these backlogs but the wards are by the curtailment of services. Concern was voiced over the need to make the Senate aware of these issues. The new Senate President has outlined his priorities as Education and Capital projects. Dr. Milano suggested that a meeting be scheduled with Senator Harmon to present these concerns.

New Business

An item of new business came up by Representative Ryg. The representative and Equip for Equality is involved in proposing legislation which deals with involuntary sterilization. Ryg asked for GAC's opinion on this proposed legislation. IGAC supports the legislation. John Wank participated in a task force of stake holders regarding the sterilization issue, the task force has been working on this issue for eighteen months. It recently completed its work with a final recommendation. As far as OSG is concerned, the bill would not have any impact on the Office of State Guardian. OSG already has these measures in place and the current legislation just codifies something GAC had done all along. Cases where such measures are considered are infrequent, only a few each decade and are not currently addressed in probate legislation.

Commissioner Ryg also asked about OSG's state wards residing at State Operated Developmental Centers. The Commission on Forecast and Government Accountability will be hearing the Howe closure situation this week (early December 2008). Ryg asked if we are aware of any concerns. Director Godlewski indicated that OSG has not felt anything specific but that the parents groups are active and are voicing concerns about closures. OSG is hearing that some people who may not be appropriate for community living may be transferred to other state operated facilities; however the choice is being given to parents and guardians. OSG has about 38 wards residing at Howe. Ryg asked if OSG was getting the opportunity to utilize some community placements Godlewski said that OSG is actively seeking placement for wards that can live in the community. Some of our wards however would probably not be appropriate for community living. Ryg anticipates that the Ligas Litigation will have positive impact on community based services. OSG is very excited about the Ligas outcome. An EfE attorney came to address staff about new opportunities for wards served in state ops and ICF/ DD's. OSG anticipates the case will be handled similarly to Bogart and the state will incorporate the choice process. GAC Staff is concerned whether or not the current system as it is structured meets the needs and would be able to provide appropriate oversight. Rossi thought OIG and the Bureau of Licensure and accreditation should be considered and a determination made as whether or not these oversight systems can handle and appropriately respond to the needs in the state. Ryg asked for recommendations on the oversight system and GAC staff agreed to work with her on these various issues. DHS has two large task forces currently working on quality control, in place. GAC will continue to work with Ryg as the court decree is laid out.

Closing and Adjournment

A motion was made to adjourn at 2:58pm by Commissioner Torres Davis. The motion was seconded by Commissioner Rothert, the motion carried and the meeting was adjourned.