

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

**Michael Bilandic Building
160 North La Salle Street S-500
Chicago, Illinois 60601
COMMISSION MINUTES
September 24, 2003**

MEMBERS PRESENT

Kenley R. Wade, Acting Chair
Susan B. McMahon, Secretary
Glenn Jackson
Senator Ira Silverstein
Dr. Seymour Bryson (via conference call)

MEMBERS ABSENT

Senator Todd Seiben
Saul Morse
Mary Flowers

POSITIONS VACANT

Susan Alvarez
Joann Perkins
Betty Bollmeir
Susan B. Tatnall

EXECUTIVE STAFF PRESENT

John H. Wank, General Counsel, Deputy Director for Programs and Acting Director
Helen Godlewski Brownfield, Director of the Office of State Guardian
Teresa Parks, Director of the Human Rights Authority
Carol R. Tipsord, Director of Fiscal Operations
Kate Steigerwald, Director of Policy and Training, Acting Director of Human Recourses, Acting
Director of Legislative Affairs and Public Information
Laura Zorich, Private Secretary
Gina Rossi, Confidential Assistant to the Director

VIA CONFERENCE CALL

Jeff Plesko, Director of the Legal Advocacy Service
Jeff Derrick, Internal Auditor

MINUTES

The September 24, 2003 meeting of the Illinois Guardianship and Advocacy Commission (IGAC) convened at 12:00 pm at the Michael Bilandic Building, 160 North La Salle Street Suite N-502 Chicago, Illinois, **Commissioner Kenley R. Wade**, vice-chairperson, presided.

OPENING REMARKS

Commissioner Wade opened the meeting by greeting everyone, and stated since he will be serving as chair for the meetings, he would try his best to be available for all meetings, in the future. He then shared a story with the commission, which was a nice opening and put everyone at ease. **Commissioner Wade** took some time to introduce IGAC's new Commissioner, State Senator and Attorney, graduate of John Marshall Law School and Loyola University, Senator Ira Silverstein. IGAC welcomed **Commissioner Silverstein**.

DIRECTORS REPORT

Acting Director John H. Wank noted that with our recent appointment of Senator Silverstein and the recent resignation of Chairperson, Joann Perkins, it leaves the Commissioner vacancies at five (5). Leaving the opportunity for the Governor to appoint a majority. Director Wank mentioned that protocol suggests we have a meeting to appoint officers, however with new appointments being made, it doesn't seem prudent to assign officers at this time. Ms. Perkins served as chairperson, so **Commissioner Wade** can step up into that role, which is consistent with the rules of the commission. John added that it was by choice of the Commissioners if they want to appoint officers or wait until more Commissioners were present, possibly in December. Director Wank, asked Private Secretary Zorich, if she could include *appointment of officers* as a discreet agenda item for the next meeting.

Commissioner Jackson asked about the procedural component of vacancies, and asked if the Governor's Office is notified of vacancies. Director Wank stated that they were. Notification goes directly to the Governor's Office or if it comes to Director Wank, he forwards it to Jill Clark at Boards and Commissions. Director Wank felt that the packets are sent out according to his recommendations and that the Boards and Commissions Office has been a pleasure to work with, as they are professional and cooperative. Directors Wank and Tipsord opted to speak a little about the budget at this time, because there are some concerns, however Wank stated that Director Tipsord would be giving the budget review a bit later in the meeting. Carol Tipsord, Director of Fiscal Operation reported that as the budget stood thirty days ago, it seemed as if there was just enough funds to get us through the Fiscal Year, however some recent developments have occurred and have cast a grim shadow on budgetary issues. Both Director Tipsord and Director Wank have been in correspondence with Louanner Peters, Chief of Staff and Director Filan from the Governors Office. Director Tipsord stated that our headcount has diminished considerably, and the cuts are not proportionate considering other Human Service Agencies. Many front lines people (Guardianship Representatives and Clerical Workers) are gone. Director Wank has repeated a request for these people, who directly service the public, however obtaining money from Director Filan's Office is difficult and Director Tipsord does not feel hopeful.

During a recent conversation between Director Wank and Louanner Peters the concept of IGAC borrowing a few staff from other social service agencies such as DHS or DCFS, was a possibility. John felt that this would be a decent fit as some of our employees have come from those agencies to begin with.

Director Tipsord also spoke about another issue impacting budget, she stated that employee J. Turnbull was terminated by the Office of the Governor in February of this year, however, CMS instructed that he was told to return to work September 24, 2003, performing similar if not the same duties and receiving the same pay. As this meeting takes places, Mr. Turnbull is hard at work in Springfield, however OMB decreased headcount, and the

Commission is not sure how Mr. Turnbull will be getting paid. Directors Tipsord and Wank will be attending a meeting this coming Friday which should more thoroughly address these issues. Director Wank said that Ms. Peters thought that there might be a common solution to these payroll issues that would possibly be applicable across the board. Director Wank noted that it was very easy for the Commission to put Mr. Turnbull to work as the Springfield Office is short handed, and he is very useful concerning auditing, purchasing and fiduciary matters. Director Wank felt that he should share this confidential information with Commissioners and mentioned that this development has intensified budget issues. **Commissioner Jackson** commented that this seems like it would have to be a supplemental appropriations issue, Director Wank suggested maybe the solution would be tapping into funds recently reserved.

Director Wank spoke about the upcoming NGA Annual Conference, which in the past, many of IGAC staff has participated in. Due to the budget crisis in the State, we have cut back our participation significantly. Request for out of state travel for two IGAC employees has been made although, it is not expected that the funding will be granted. Director Wank said he expects to pay his own way. The Annual Conference is important; 90% of IGAC employees are Registered Guardians and it is important to have these staff as best trained as possible. The NGA has been responsible for providing very valuable information to this Commission such as assisting IGAC with the Medicaid billing process, which ultimately led IGAC from collecting nothing to 1.5 million in fees. This is an organization that it is imperative that IGAC continue to share information with. **Commissioner McMahon** pointed out that IGAC has many Registered Guardians but also in addition to that, has three Master Guardians, which is a very difficult distinction to obtain. Director Wank asserts that although we are tightening our belts he still feels committed to having useful comprehensive training available to staff.

ACTION ITEMS

Commissioner Wade requested we move to action items. **Commissioner McMahon** moved to approve the meeting minutes from June 18th and **Commissioner Bryson** seconded and carried the motion. Director Wank reminded everyone that we do not have a quorum at today's meeting. **Commissioner Wade** said that it was best to take action and have it ratified. **Commissioner McMahon** asked about the minutes from out last Commission Teleconference and John stated the minutes are not complete but will be included in the next packet.

Director Parks introduced four applications for appointment to HRA Regional Authorities; she added that all applicants have relevant experience and/or backgrounds and that they have all been interviewed. The new applicants are Kay Maier and Mary Ann Schadow both from Springfield, to the Springfield HRA, Mary McMahan from Anna to the Egyptian HRA and Katherine Gregus of Granite City to the Metro East HRA. Ms. Gregus' appointment would be effective October 2003. Mary McMahan and Katherine Gregus had served in the past are now eligible for new terms of appointment. The following reappointments were also considered: Jeffery C. McManemy, Mae Alice Shobe and Emil E. Wilson to the Metro East HRA effective October 2003; Trina O'Brien to the Northwest HRA and; Janet Shelton to the Springfield HRA. **Commissioner Jackson** moved to appoint all new and reapplying members to the HRA. **Commissioner McMahon** seconded and carried the motion.

Director Parks brought up another action item and requested an enforcement referral on behalf of the Peoria Regional Human Rights Authority. The HRA had findings of rights violations in regards to Special Education services and the 504 plan of a particular student. The particular student in question had gone from being a successful student and suddenly failed all classes. The HRA substantiated the complaint in that the student did not receive essential special education services in terms of identification; evaluation and/or 504 plan revisions during the 2002/2003 school years to ensure that the student received an appropriate education. The provider was prompted by the HRA in regards to revising 504 plans and making referrals for Special Education Programs. The provider refused to respond, initially, then was prompted again to respond, and complied, saying that they disagreed with the HRA findings and would not review policy but would act on recommendations on a case-by-case basis. The Authority was not satisfied with this response and would also like to refer this case to the Office of Civil Rights and the Illinois state Board of Education. It is noted that the school in question may have severed ties with the Special Education co-op who oversees that particular district. **Commissioner Jackson** having read the case, believed that HRA recommendations were not onerous and simply requested that the school should follow their own policy. Specifics of the case were discussed in depth. **Commissioner McMahon** supported referrals for enforcement. **Commissioner Jackson** seconded and carried the motion. Director Parks took some time to describe the referral process. **Commissioner McMahon** asked if it was possible to ratify these actions items over the phone, as it would expedite the process of the enforcement referral, and Director Wank stated that it would not be in accordance with the "Open Meetings Act." Director Wank then stated the Commission did not obtain any proxies because we were under the impression that we would have a quorum. He stated from now on we would obtain proxies from Commissioners not present at the meeting regardless of whether or not a quorum is anticipated. **Commissioner Wade** asked if the commission felt a teleconference was necessary to ratify action items. Director Wank felt that given the candor of the issues presented, and the negative impact that waiting until December to begin the enforcement process, would pose on this young student's education, he felt that the Commissioners would certainly ratify, and that it was safe just to move forward in drafting the letters for enforcement referral. **Commissioner Wade** agreed to review and sign the letters.

BUDGET REPORT

Director Tipsord presented a spreadsheet highlighting expenditures from the years 1997 through 2003. In our actual appropriations which began in the fall, under the previous Administration some appropriations were given guidelines to give a certain dollar amount for Merit Comp Staff as well as Bargaining Unit Employees, our new Governor requested that be taken out, as well as Merit Comp paying their pensions. Last week CMS and OMB said the Commission needs to prepare vouchers, to submit payment to CMS for the new revolving fund. Directors Wank and Tipsord had met with Ms Louanner Peters requesting to pare down the payment and Director Tipsord did not feel Ms. Peters would be able to do this; other areas may have to be looked at. In addition to that, the memo was sent out that Mr. Turnbull be sent back to work so this issue will need some discussion in regards to where the money for salary will be coming from. The original set of vouchers enforced that we could not take from general revenue but that changed right away, and now the GAC fund may be used. It is possible the GAC fund can be used but the Commission is trying to keep GAC on reserve for emergencies and training which is required. It

is possible the money for the salary may have come from that GAC anyway, the Commission would have to wait for direction on this matter. **Commissioner Wade** inquired about a figure referenced on the spreadsheet. Carol stated that the Governors Office and OMB had sent three invoices, they are requesting 40,000 dollars for procurement they are also requesting 29,000 for Information Technology, Director Wank stated that they questioned Ms. Peters on this matter seeing as our entire appropriation is so low, the Commission wanted to know how these numbers were decided upon, and expressed to Ms. Peters that the number seemed unrealistic. Ms. Peters is going to check on this for the Commission. How they derived at the 70, 000 figure could not be answered. **Commissioner Wade** expressed that this was highly unusual. **Commissioner McMahan** reinforced that nothing had been centralized for GAC. Director Wank expressed the only area where centralization took place was in regards to the Commissions Internal Auditor. Director Wank asked that we move into Legislative issues

LEGISLATIVE REPORT

Director Steigerwald said that veto session is approaching and at this time we are hearing a lot about early retirement. There are several shell bills out there if an early retirement bill is considered. The Commission was given an update on bills important to IGAC that have been signed by the Governor. There are several hundred bills of interest to the Commission in the IGAC user files that will continue to be tracked through 2004.

PROGRAM REPORTS

HUMAN RIGHTS AUTHORITY

Teresa expressed the need for volunteers, although the HRA's numbers are up in all of the Regional authorities, there are still vacancies in the Chicago/ Champaign/ Metro East/ Rockford and Springfield Area's. She also mentioned that HRA would be joining with OSG for IGAC's fall trainings, one being held in Rantoul and one in Chicago. HRA will breakout in the morning to discuss programmatic issues and changes in the Mental Health Code, then later in the afternoon HRA would be joining OSG. The Commission felt this was a good way to provide training to both staff and volunteers within our strict budget constraints. **Commissioner Wade** expressed an interest in the OSG / HRA training and Gina Rossi agreed to see to it that the Commissioners have the training information in the event that they are able to attend.

LEGAL ADVOCACY SERVICE

Director Plesko via the telephone informed the Commission that there have been no personnel changes. Reference was made to a revised case number handout revealing a slight increase in cases overall for FY 2002 to FY 2003; the revision corrected an oversight in the handout included with materials sent out prior to the meeting. He mentioned the specific case of James E., noted at the time of the last meeting as a problematic case involving a departure by the Illinois Supreme Court itself, on the issue of the requirement that a voluntary recipient of services execute a written request for discharge before a Petition for Involuntary Admission may be pursued. At the last meeting it was indicated that LAS was considering a Petition for

Rehearing in the case, since there was strong dissent and the opinion was at best a plurality decision. A Petition for Rehearing has indeed been filed and there has been no response for the Illinois Supreme Court to date. On a staff related note, he mentioned that LAS Staff Attorney Tony Rothert has authored an article which will be appearing in the October issue of the Illinois Bar Journal titled, "Involuntary Administration of Psychotropic Drugs: balancing Public Safety and Civil Liberties." Director Plesko also mentioned Senate Bill 199 that made some significant changes to the Mental Health and Developmental Disabilities Code, but which changes have not to date had much impact on LAS representation in the trial courts. A local ABC television station affiliate showed up unannounced and spoke to Managing Attorney, Elvis Cameron about the bill's changes in the statute shortly after it's passage. The LAS position on the issue was that few practical effects in judicial proceedings reflected changes made by SB 199 have been apparent. LAS had nothing further to report, and things are rolling right along.

OFFICE OF STATE GUARDIAN

Director Godlewski began by talking about the recent closure of a Chicago Provider servicing the South side of Chicago and South Suburbs by the name of *These Are God's People Too*. Equip for Equality released an investigative report to media detailing many problems with the facility in regards to care and programming. OSG has ten wards in the facility. DHS at the time the investigation was taking place was also auditing the provider and they have decided not to renew their license. OSG is working to find new appropriate placement for the wards living there, Krista Butler Managing Administrator for OSG is working with DHS and PAS agents in finding placement. OSG is considering where the wards may want to live, where they have family and other pertinent details, which would relate to placement. OSG does not know if CILA placement will be available it is possible the resident will have to reside in a State Operated Facility for a short amount of time until more appropriate placement is secured. Some of the individuals living in the facility have behavioral issues, which naturally makes them harder to place. **Commissioner Mc Mahon** asked if, in the interim the wards be monitored more closely, and Director Godlewski remarked that they already are and oversight will remain strong, the closure is scheduled for October 31st, 2003.

CLOSING

The next stated commission meeting will be held in December 2003 in Chicago. A motion was made by **Commissioner Wade**, seconded and carried by **Commissioner Bryson**, to adjourn the meeting. The meeting adjourned at 1:20 pm