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## Welcome

*from Dr. Mary L. Milano, IGAC Director*

On behalf of all our staff and clients at GAC I am most happy to see the first issue of “The Advocate Quarterly,” the newsletter of our Human Rights Authority. Our HRA is a unique entity in the structure of government in Illinois, supporting and connecting citizens to address issues in their communities and become the real “advocates” for justice for those with disabilities. I am both proud and sometimes amazed to be able to support our staff and the initiatives and work our Authority members do.

It is my hope that this newsletter - another undertaking of our staff on their own initiative - will help its audience to better understand the issues the HRA addresses everyday, the changes in individual lives it effects and the impact it has on systems that provide services to persons with disabilities and differences in our communities. It is sometimes hard to see what our state agencies and staff “do” for us - but the achievements of the HRA are profound - transformative of lives and systems through tough and grinding work on the ground, in partnership with people who care enough to commit themselves and their time and effort to making change, making connections and making lives as meaningful and empowered as possibility itself.

*Be challenged by the read - support the work - engage in the mission!*

Mary



## Commission Overview

Created in 1979, the Illinois Guardianship and Advocacy Commission protects the rights and promotes the welfare of persons with disabilities through three agencies, Legal Advocacy Services, Office of State Guardian, and the Human Rights Authority.

By providing legal representation, investigating complaints of rights violations and providing state guardianship for Illinois' population with disabilities, the Commission has given voice to those who have previously gone unheard.

## Hospital Emergency Room

This case spotlight summary is based on reports created by the HRA and the response from the individual facility which has been voted on by the regional HRA to be made part of the public record.

The Peoria HRA region received a complaint involving a hospital emergency department where allegedly a patient was kept in the hospital ED for over 6 days without a petition or certificate being filed with the court to start the involuntary commitment process. Allegedly the facility was trying to place the resident and sent the petition and certificate to the transferring facility, but there were no beds available and the patient could not be transferred. Upon the investigation, the facility staff stated that they do hold patients with a petition and certificate that is not filed in the court but rather send it to the transferring hospital; the hospital staff then complete a new petition form for each day that the patient is at the facility. It was also reported that the second certificate had to be completed by a psychiatrist as the receiving facility.

When the HRA reviewed the hospital policy, the policy was actually in compliance with the Mental Health and Developmental Disabilities Code for commitment and differed from the practice used by the hospital. The HRA found that, because of the practice, the facility was not in compliance with the Code (405 ILCS 5/3-403, 601, 602, 610, 611) and needed to conduct staff training to adhere to the Code. In its response and



even though the hospital did not entirely agree with the HRA's findings, it did conduct updated training on involuntary commitment and its stated policy with its staff, thus, facilitating compliance. The Peoria HRA closed the case.

## CILA

This case spotlight summary is based on reports created by the HRA and the response from the individual facility which has been voted on by the regional HRA to be made part of the public record.

The East Central HRA received a complaint regarding a Community Integrated Living Arrangement (CILA) in the region. The complaint was that a staff member was terminated from services at a CILA home in the middle of the night, which left 6 CILA residents alone with a security guard supervising them and the security guard had not received adequate training on the care of the individuals. The security guard supervised until a qualified and trained staff member could take over the supervision of the shift. The HRA investigated and determined that the staff person who was to supervise the overnight shift, left the residents unsupervised for anywhere from 10 to

30 minutes, and then when staff returned, they got into a verbal altercation with the facility security guard. The facility administrator requested that the security guard ask the staff member to leave the facility pending an investigation, which led to the residents being supervised by untrained staff for 18 minutes until trained staff arrived to supervise the home. The HRA stated in the report that they understood that the facility made decisions that they thought were in the best interests of the residents during an emergency, but this was still a violation of the CILA regulations (59 II Admin Code 115.320) which dictate that staff must be trained in the care of the residents. The HRA recommended in their report that the facility assure that in any future instances, trained staff are responsible for residents and requested evidence that this recommendation was followed. In the response to the HRA, the facility assured that in the future the facility would only have trained staff supervise residents and provided the HRA with evidence. The East Central HRA agreed that the case was resolved and closed the case.



## Shout Out

The Peoria IGAC office would like to give a “Shout Out” to their Fall intern Adam Lange. Adam is a Junior at Bradley University and was an intern with the agency from August to December 2019. Adam has attended site visits, Peoria HRA board

meetings, outreach spotlights, an Elder Abuse Task Force meeting, and has contributed with multiple cases in the office. Adam has completed HRA reports for cases involving a nursing home, two hospital cases, and a case involving a state operated facility. Adam has been an excellent disability advocate during his internship and

assisted in helping Illinois citizens maintain their rights. The IGAC would like to thank Adam for his services this semester and wish him good luck in the future. The HRA has had ongoing collaborations with Bradley University's Legal Studies Program via its Director, retired Judge Jerelyn Maher.



## Volunteer Appreciation

The IGAC would like to express their appreciation to a member of the Egyptian HRA Board Kathy Rambeau. Kathy is currently serving her 4th term on the Egyptian board and has served for a total of 10 years thus far! In that time, Kathy has worked with HRA Coordinator Kim Conway to advocate for the rights of individuals in two separate state operated facilities, as well as multiple other disability service provider facilities like CILA homes and hospitals. Kathy is currently the Chairperson of the regional board which, in 2018 – 2019, affected the lives of 3,200 individuals with disabilities. Kathy leads the board meetings and conducts the business of the HRA in a professional and efficient manner, all while maintaining a full time job as a board certified behavior analyst for Illinois Crisis Prevention Network (ICPN). Kathy is a shining example of what advocacy and volunteerism can mean to the people of Illinois and the IGAC would like to thank her for her efforts.



## Online Guardianship Training

The Illinois Guardianship and Advocacy Commission is now providing online guardianship training in compliance with the Guardianship and Advocacy Act (20 ILCS 3955/33.5). The Training is available to anyone at no cost and “outlines the responsibilities of the guardian of the person and the rights of the person under guardianship”. According to the Probate Act of 1975 “The order of appointment of a guardian of the person in any county with a population of less than 3 million shall include the requirement that the guardian of the person complete the training program ...” and file the certificate with the court within one year of from the date of issuance of the letters of guardianship, except under specific circumstances. The training is available at:

<https://www2.illinois.gov/sites/gac/OSG/Pages/Guardianship-Training.aspx>



## IGAC Initiated Sexual Education Bill

The IGAC is proud to announce the passing of HB3299. This legislation Amends the Mental Health and Developmental Disabilities Code and provides that a person admitted to a developmental disability facility and receiving habilitation shall have access to sex education, related resources, and treatment planning that supports his or her right to sexual health and healthy sexual practices and to be free from sexual exploitation and abuse. This bill states that the person receiving habilitation shall be assessed: (1) on whether he or she has decision making capacity to give consent to sexual activity and (2) for developmentally appropriate sex education materials and resources. Additionally, this bill provides that as part of the assessments, consideration shall be given to medical, psychological, and psychosocial evaluations. Also, the person's decision-making capacity to consent to sexual activity and the developmentally appropriate sex education materials and resources shall be determined by the treatment team that includes the individual, professionals who have knowledge of the individual, and the individual's guardian, if appointed. Guardian decision making shall be made in accordance with the court order of appointment and the standards of decision making established by the Probate Act of 1975. The IGAC would like to congratulate the internal IGAC legislative team, with special consideration to Teresa Parks, Gia Orr, Barry Lowy and witness Diana Braun for their efforts. The IGAC would also like to congratulate House Sponsor Rep. William Davis, Senate Sponsor Senator Don Harmon and the multiple other House and Senate sponsors for their work on the bill. The bill became effective January 1, 2020. IGAC is working with DHS on the bill's implementation through an oversight committee and two subcommittees on curriculum and process. Each committee includes self-advocates as well as representatives from IGAC, DHS, advocacy organizations and service providing agencies.



## **Call for HRA Volunteers**

The Human Rights Authority is the division of the Illinois Guardianship and Advocacy Commission statutorily empowered to investigate alleged violations of the rights of persons with disabilities including persons with mental illness, cognitive disabilities, physical disabilities, and the aged disabled. There are nine Authorities, organized by geographic region, throughout the state. The Human Rights Authority is unique in its use of citizen volunteers to conduct these investigations and make corrective recommendations. As such, Regional Authorities are always seeking to fill vacancies as they occur as well as maintain a pool of potential volunteer members for times when the need arises.

The membership of each Authority consists of nine volunteers. Three of these, by statute, are themselves providers of disability services, one

each from the area of mental health, developmental services and rehabilitation services. The other six members are private citizens, some of whom themselves might have a disability, have a family member with a disability or just be concerned citizens interested in disability rights.

Members attend monthly meetings and serve on investigative teams. These teams conduct fact-finding investigations to determine whether or not a complaint is substantiated. Investigations typically involve meetings with service providers, chart reviews and policy reviews. Members can expect to spend approximately 4 to 6 hours each month on Authority activities.

Members receive both formal group training and less formal individualized training, and are reimbursed for travel, telephone, postage, and other related expenses.

The Human Rights Authority has been active for over twenty years. During

that time the lives of thousands of persons with disabilities have been positively affected by the hundreds of volunteers who have served. We believe that current and former Members would attest to what a rewarding experience serving on a Regional Authority has been.

If interested in volunteering, please visit this link  
<https://www2.illinois.gov/sites/gac/HRA/Pages/Volunteers.aspx>  
to download the volunteer application or to complete an application online.

The application can be sent to  
Teresa Parks  
401 Main Street, Suite 620  
Peoria, IL 61602.

You could also contact our statewide intake number at 1-866-274-8023 or STATEWIDE TTY at 1-866-333-3362 to express your interest.

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**If you feel as though your rights have been violated or if you need assistance or information from any of our program divisions, please call the numbers below:**

**STATEWIDE GENERAL INFO:  
1-866-274-8023**

**INFO For Out-of-State Callers:  
1-708-338-7500**

**STATEWIDE TTY:  
1-866-333-3362**

**WEBSITE:  
<https://www2.illinois.gov/sites/gac/Pages/default.aspx>**

**LIKE US ON FACEBOOK FOR INFORMATION ON THE GAC AND EVENTS**