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**FOR IMMEDIATE RELEASE**

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**Springfield Regional Human Rights Authority  
United Cerebral Palsy  
Report of Findings  
Case # 19-050-9003**

The Springfield Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of United Cerebral Palsy in Springfield, IL after receiving the following complaints of possible rights violations:

**Complaints:**

1. The provider has failed to provide the resident with adequate and humane care and services pursuant to his service plan. Specifically, he has arrived home from work without staff in the home.

If the allegations are substantiated, they would violate protections under the Mental Health and Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) and the Community Integrated Living Arrangement (CILA) regulations (59 Ill. Admin. Code 115.250).

**Complaint Summary:**

The consumer resides in a CILA and receives 24-hour continuous supervision. Repeatedly, the consumer has arrived home from work and no staff are at the CILA house to provide the needed supervision

**Investigation**

The HRA proceeded with the investigation after having received written authorization from the consumer. To pursue the matter, the HRA visited the facility and the program representatives were interviewed. Relevant practices, policies and sections of the consumer's record were reviewed.

**Interviews:**

On November 27, 2018 at 10:00am, the HRA met with United Cerebral Palsy (UCP) staff. The meeting occurred at 101 N 16th St in Springfield and began with introductions, a review of HRA procedures, and a review of the allegations being addressed in this investigation.

Staff provided some general information about UCP. Springfield UCP offers both adult residential homes and developmental training sites. Staff estimated that both programs currently serve approximately 94 consumers and employ 65-100 staff. All staff receive the DSP (Direct Support Professional) Training required by Illinois Department of Human Services. Abuse and neglect and human rights are part of the DSP training that is completed before staff are allowed to work within any UCP facility. The trainings are also renewed annually. The 50-70 DSP staff working in the residential homes are overseen by 2 supervisors that visit each home weekly and 1 QIDP (Qualified Intellectual Disabilities Professional). UCP stated that almost all the staff working in the residential homes are new (started July 1, 2018 or more recently) due to a total residential program overhaul completed by management at the end of the fiscal year.

Consumers can report grievances to the DSP or supervisor at any time. If the resolution is not received, the consumer can “go up the chain of command” to the director and board. Consumers are notified of the grievance procedure at admission in the Rights and Responsibility packet which is reviewed annually. UCP has an internal Human Rights Committee that meets quarterly, however, that committee has not reviewed the concerns in this case.

The CILA home has 3 beds and one UCP staff is scheduled to the home for each shift (3 shifts). All the consumers in the home have 24-hour supervision. At the time of the incident, staff were informed of the consumer’s Individual Service Plan, including the consumer’s supervision needs, verbally from the staff’s supervisor. In October 2018 UCP changed the communication method by creating binders containing the consumer’s person-centered plan and placing the binders in the consumer’s residence for reference.

The complaint refers to multiple incidents from January 2018 to August 2018 when the consumer arrived home from work and no staff were present. UCP stated that the staff member that was scheduled to be at the home during the consumer’s drop off time had taken the other consumers on outings in the community and had not returned. The UCP staff also stated that there was one occasion when the consumer came home and staff were present but the lights were off, so the employer did not drop off the consumer. The consumer’s employer was responsible for contacting the home and reporting that the consumer was on the way home, however, there were times when they would arrive at the home and no staff was available despite calling. In order to assure that staff was at the home when the consumer returns from work, UCP has changed all outings so that the staff are home by 8pm effective October 2018. This assures that there are staff at the home whenever the consumer is returned home from work.

Documentation provided to the HRA stated that the consumer was afraid of reporting the issue to management because he was afraid of retaliation from that staff member. UCP stated that, once they became aware that the consumer was afraid of the staff member, the staff member was moved from the consumer’s home and is no longer allowed to work at any of the three homes on the consumer’s street to avoid contact between the consumer and staff. In addition, UCP staff reported that human resources staff talked with the consumer about his fear of reporting. UCP stated they are unaware of when that discussion occurred or the outcome but agreed to find the documentation and provide it to the HRA.

At the end of the interview, UCP staff informed the HRA that the provider has recently made changes in staff, supervision requirements, documentation and record keeping. They hope that the changes implemented in August 2018 will keep issues like this one from occurring again.

### **Records Reviews:**

Emails between the consumer's employer and UCP: On 2/16/18 an email stated that the consumer had to be escorted up to the home because there were no lights on. On 5/10/18 an email stated that on 5/3/18 and 5/9/18 the consumer had to be dropped off at an alternative UCP home because staff were not at the home when he was scheduled to be dropped off. The email also stated that the consumer was upset that he cannot go home after work. The email noted that the consumer acknowledges he must have supervision and finds the staff's absence frustrating. On 5/25/18 an email stated that there was no staff at the UCP home last night and the consumer did not want to report the staff because staff would get mad at him. On 7/19/18 an email stated that the employer tried to take the consumer home last night after work and no one was at the home to receive him. The employer tried to take him to another UCP home and was told that the consumer cannot stay there due to a conflict with one of the staff in the home. Staff stated that no one was home because they were at a community event with other consumers and did not return until 9:29pm.

The consumer's UCP Service Plan states that the consumer is diagnosed with autism and functions at an 8-year-old level. He works full time and has an additional part-time job. He has 24-hour supervision except for 2 hours alone time at home on Saturdays.

Employer Monthly Progress reports are given to UPC every month. In May and June the progress reports for the consumer stated that he was having problems with the UCP staff not being at the home when he was dropped off from work. The consumer reported to the employer that the UCP staff was moved to another home and reports no problems since the move. The progress report for July stated that there was another issue with no one being at the home when the consumer was scheduled to be dropped off.

*The HRA requested the following records from UCP that were not provided; Rights and responsibilities packet, proof that the consumer has received the rights and responsibilities packet, UCP documentation of the incidents when the consumer was unable to be dropped off, and UCP documentation of the consumer's concerns/fears and how they were addressed.*

### **Policies**

*The HRA requested the following policies from UCP that were not provided; Consumer Rights and Responsibilities (specifically looking for the section stating the consumer's right to report), UCP policies on staffing/supervision, UCP policies on curfew, and UCP policies of staff prohibiting consumers from reporting.*

### **Conclusions**

**1. The provider has failed to provide the resident with adequate and humane care and services pursuant to his service plan. Specifically, he has arrived home from work without staff in the home.**

The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) states “A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The Illinois Administrative Code (Ill. Admin Code tit. 59, § 115.230) states that: “a) Through the interdisciplinary process, the CST [community support team] shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual”. The Illinois Administrative Code (Ill. Admin. Code tit. 59, § 115.250) states “c) Individuals or guardians shall be permitted to present grievances and to appeal adverse decisions of the agency and other service providers up to and including the authorized agency representative ... d) Individuals shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.” The Illinois Administrative Code (Ill. Admin. Code tit. 59, § 115.320) requires the following: “g) Unusual incidents. The agency shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the agency's management structure, up to and including the authorized agency representative. The agency shall ensure that employees demonstrate their knowledge of, and follow, such policies and procedures.”

The consumer is required to have 24-hour supervision per his service plan. Multiple emails from the consumer's employer state that they tried to drop the consumer off at his home and no one was present. UCP confirms that there was an issue with the staff not being at the home when the consumer was being dropped off. Additionally, there was an email expressing concern that the consumer was afraid to report that the staff member was not home because the staff would retaliate against the consumer. UCP confirmed in the interview that the staff member and the consumer are no longer in the same location.

Based on the findings above the Springfield Human Rights Authority concludes that the complaint is substantiated. The HRA makes the following recommendations:

1. UCP ensure that all consumer service plans are developed and implemented per the Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) and CILA Rule 115 (Ill. Admin Code tit. 59, § 115.230). The HRA acknowledges that in response to prior HRA Case #18-050-9012, UCP developed a Policy on Implementation Strategy specific to the implementation of consumer service plans and thus, recommends that the agency ensure that the policy as well as statutory and regulatory requirements are followed.

The HRA recognizes that the facility separated the consumer from staff and spoke to the consumer about his concerns with retaliation, but the HRA questions the environment that caused this issue to arise. The HRA **strongly suggests** the facility focus on the culture of the organization and review any and all incidents (including this one) to assure that residents feel comfortable addressing staff issues internally and if not, make the changes needed so that they can report without fear of retaliation per Ill. Admin. Code tit. 59, § 115.250. In addition, The

HRA finds it concerning that UCP is unable to provide any documentation of the incident and/or follow up and **strongly suggests** that UCP ensure that all incidents and resolutions are appropriately documented and that UCP train (or retrain) all staff on the Illinois Administrative Code, specifically, Ill. Admin. Code tit. 59, § 115.250 and Ill. Admin. Code tit. 59, § 115.320. The HRA acknowledges recently developed safety and conflict resolution policies developed in response to HRA Case #18-050-9012 and strongly suggests that these new policies be followed.

The HRA finds UCP's lack of cooperation in providing documentation and policies to the HRA concerning. While the HRA understands that the provider is undergoing changes to its system, its policies and staffing, the Mental Health and Disabilities Confidentiality Act (740 Ill. Comp. Stat. Ann. 110/8), the Guardianship and Advocacy Commission Act (20 ILCS 3955/18), and the Human Rights Authority Regulations (59 Ill. Adm. Code 310.60) give the Human Rights Authority the right to obtain records regarding the consumers in their care during an investigation. The Human Rights Authority suggests that UCP review the laws and make a greater effort to comply in the future.