

## COMMISSION MEETING MINUTES

November 9, 2010

### Video Conference sites:

<b>Chicago:</b>	Thompson Center	100 West Randolph, Room 9-036
<b>Springfield:</b>	Capitol City Training Center	130 W. Mason St., Room 104
<b>Carbondale:</b>	So. IL University Morse Library	ISS Conference Room

### MEMBERS PRESENT

Anthony E. Rothert, Chairman  
Dr. Seymour Bryson  
Andrea M. Schleifer  
Rev. Barbara Berry-Bailey

### MEMBERS ABSENT

Senator Ira Silverstein  
Kenley R. Wade  
Inez Torres Davis  
Representative Angelo "Skip" Saviano  
Senator Don Harmon

### EXECUTIVE STAFF PRESENT

#### *Chicago*

Dr. Mary L. Milano  
John H. Wank  
Veronique Baker  
Helen Godlewski Brownfield  
Bobbie Fox  
Danielle Welliever  
Florence P. Martin

Executive Director  
General Counsel / Deputy Director for Programs  
Director, Legal Advocacy Service  
Director, Office of State Guardian  
Director, Human Services  
Director of Policy and Training  
Private Secretary to the Director

#### *Springfield*

Carol R. Tipsord  
Teresa Parks

Director of Fiscal Operations  
Director, Human Rights Authority

### EXECUTIVE STAFF ABSENT

Constance Umbles-Sailers

Confidential Assistant to the Director

Chairman Rothert called meeting to order at 1:23 pm. A quorum was not present.

## **Director's Report**

**Dr. Mary L. Milano**

Director Milano welcomed the newest member of the Commission, Rev. Barbara Berry-Bailey. Rev. Berry-Bailey is the Director for Companionship for Africa with the Evangelical Lutheran Church in America, has an extensive background in ministry, social services, broadcast communications, community organizing and education.

The Director proceeded saying that the Commission continues to wait for further allocation from the Governor's Emergency Allocation and Fund. Hiring continues to progress as anticipated: there is a new Legal Advocacy Service attorney working in the North Suburban Office, the new Office Associate for the Chicago office will begin on December 1, 2010 and we are working on several other positions.

New Commissioner Appointments continue to be on hold. Nothing will be entered into the Legislative Veto session; however, we still have 2 Bills: one which amends the Mental Health Code and the other changing our own statute which would change the quorum requirement that we believe will be introduced in January 2011 as well as our participation in the HR 201 report and working group which will result in legislation to be introduced in January.

Our Springfield office will be relocated to the Stratton building, which has required some reconfiguration and considerable amount of additional work for Carol Tipsord in Springfield and Danielle Welliever, who is doing the overall coordination with CMS. The move should be accomplished on or around November 29. While the space isn't ideal, it is more than serviceable and puts us more in the center of state operations by being in the legislative office building.

The Peoria office may be moving as well to another building that is being used to consolidate state agencies including Illinois Department of Transportation.

Vice-Chairman Schleifer inquired about Commissioner Appointments, asking the origin of the pending appointees. Director Milano answered that 2 were generated by us: Dr. Sharon Jenkins-Collins from the far South side and attorney Rosa Gossage from Edwardsville. Another individual not generated by us is someone who is a member of the Southern Illinois University law faculty. As far as we know Dr. Jenkins-Collins' information has been complete and submitted for a very long time and at least the initial materials have been submitted for Attorney Gossage. Chairman Rothert asked when those positions are filled would there still be vacant positions. The answer is that there would still be at least one opening. Vice-Chairman Schleifer indicated that she has yet to receive a firm appointment in part because she hasn't received a firm completed application. She indicated that now that she has been appointed to the Bench her hours may be limited in terms of meetings. Director Milano stated that the Commission hopes Vice-Chairman Schleifer is not appointed to any division that deal with matters that touch upon the competency of the Commission or any otherwise potential conflict.

Vice-Chairman Schleifer also asked if there had been any news regarding the appointment or temporary appointment of the Presiding Judge in Cook County. LAS Director Veronique Baker

answered that Judge Ballard is the interim judge and he is not aware if he will be permanent or replaced.

### **Legal / Programs Report**

**John Wank**

John Wank reported it was time for Commissioners to complete the State of Illinois' mandated annual ethics training. The Commissioners will be provided with written materials to review. Afterwards they are to sign the acknowledgement form prior to the expiration date (December 31, 2010) and forward the signed form to Florence Martin in the Chicago office and we will take care of the rest.

### **Fiscal Report**

**Carol Tipsord**

The fiscal report is the same as it was at the September meeting: we currently have \$8.4 million in appropriations and hope to receive an additional \$1.2 million from the Governor's Emergency Allocation and Fund; that will enable us to pay our staff through June 2011. She pointed out that Director Milano was successful in getting CMS to cover the expense of relocating the Springfield office to the Stratton building. This also included the cost of moving telecom and data lines which helped tremendously. The GAC fund will have around \$50-60K to spend this year, so far we've only expended \$6K.

Vice-Chairman Schleifer asked if the reprinting of Stationary is in our budget or is that a CMS expense. CFO Tipsord said we have an excellent control of that: we print stationary as needed and have not printed any envelopes recently in anticipation of the move. We also have in-house capability to print our own business cards.

Director Milano also pointed out that CMS will also cover the move of our servers to the Adams Street CMS data center.

### **ACTION ITEMS**

Since a quorum was not present, Chairman Rotherth acknowledged that approval of both the September 21, 2010 will occur during the next meeting.

### **INFORMATION ITEMS**

#### **Office of the State Guardian**

**Helen Godlewski Brownfield**

OSG currently serves as legal guardian for about 4800 wards living in approximately 1600 different placements throughout the state. About 46% of the wards live in community based settings and group homes. Most of those persons are individuals with developmental and intellectual disabilities.

Current caseload size is an average of 117 per caseworker: this has been an especially challenging year because we have had so many vacant caseloads due to extended illness and family leaves. There are currently vacant caseloads in the North Suburban, West Suburban, Peoria, and Egyptian offices. We are also anticipating a retirement at the end of December in the East Central office and a Regional

Administrator in the West Suburban office is on extended family leave. All of those caseloads have been redistributed and impacts about 500 wards statewide. The regional staff is to be commended for assisting with the project.

Four graduate students from Loyola University have been assisting with some supplemental ward visits and administrative projects. We have also been able to recruit a few more volunteer visitors, with thanks to Danielle Welliever who set us up with some of the on-line matching services. We are now trying to secure and link those individuals with wards.

OSG has been participating in meetings with the Department of Human Services Division of Mental Health. For the first time in several decades they are looking to expand their community and home based waiver program. Hopefully this will impact our wards that are currently living in long-term care. What they want to do is set up subsidized housing and some group homes for people with chronic mental illness. They intend to look first at individuals who are living in long-term care and identify those who may benefit from such a transition. They also would like to divert individuals who are currently hospitalized and may be placed into long-term care, and connect them with community based services. Lastly, they want to bring community based services to individuals who are in need and already living in the community. It is a slow process; they are still identifying providers and pre-admission screening agents, but are hopeful that the plan will come to fruition within the next year. They have a five year implementation plan.

## **Human Rights Authority**

## **Theresa Parks**

Director Parks stated that within the meeting packet there were applications for 3 new appointments and 2 reappointments, as well as information on a few HRA members whose terms have expired. Director Milano will review these action items for approval. Including the new and reappointments there are currently 15 HRA vacancies across the state. She asked if anyone knows someone who may be interested in facility rights investigations, she would be happy to speak with them. The HRA continues to work with Danielle Welliever; through volunteer match they have obtained some hits and referrals but still need more applicants.

With regard to HRA staff, there is a training meeting scheduled on November 15, 2010. At the training will be presenters from the Illinois Department of Public Health as well as a presenter from Family Matters Training Center for Special Education and have allotted time to discuss program and case issues.

Director Parks will be visiting the Human Rights Authority's across the state and attend their meetings, something that she hasn't had a chance to do for a while due to staff vacancies. She hopes to visit all of them in the coming months.

In October Director Parks was appointed to serve on the Board of the Family Matters Parent Training Center for Special Education. The organization hosts training for parents across the state on special education rights. She has had the opportunity to participate in some of the training and looks forward assisting their agency as it continues to educate parents to be advocates for their children.

The HRA has also been working on several other collaborations. Two HRA staff, Gene Seaman and Cathy Wolf participated in training offered by The National Alliance on Mental Illness (NAMI) and interacted with some of their representatives. Director Parks and Jon Burnet along with Helen Godlewski and the IT staff have been working with the Department of Human Services' Office of Inspector General. They are seeking a better way to access data on abuse complaint investigations completed by the OIG. They hope to have that information imported to us so our staff and agency can use it in a better way. Aside from the Department of Public Health presenting to our staff, Director Parks is schedule to present to their staff later in the month at one of their trainings. She also had the opportunity to attend a developmental disabilities summit sponsored by the IL Council on Developmental Disabilities. Jon Burnet continues to serve on the Governor's Task Force on Abuse. We will continue to seek ways to collaborate with other agencies in a way that will benefit our clients, staff and programs.

### **Legal Advocacy Service**

### **Veronique Baker**

Director Baker reiterated that the agency has hired a new attorney to be based in the North Suburban office. He will probably go through 2 or 3 weeks of training before working on his own. This should be very helpful in redistributing caseloads for the attorneys in Cook County.

She had an opportunity to meet with interim Chief Judge Ballard regarding a few concerns, the main one being that hearing dates in Cook County are being held late--not necessarily within five days after the petition has been filed. When the question was asked, the response was that the attorneys would have to file whatever motion they need to file. She expressed that it should not be upon the respondent to get a timely hearing date or file a motion to dismiss; the statute requires that the hearings be held within five days. The next step will be to draft a demand letter and it is assumed that it will be met with the same response. The next step will be a writ of mandamus asking that the administrative order that was entered in 2009, at least the provision that set up the violations, would be dismissed, rescinded, etc.

Director Baker will meet with a consortium of law schools sponsored by Loyola University, in an effort to recruit law students for volunteering with our agency. She and Director Milano will also meet with John Marshall Law School in hopes of getting some volunteers to help with the work load the attorneys are experiencing.

There have been successes in oral arguments and opinions out of the 4<sup>th</sup> District. The LAS attorney in the 4<sup>th</sup> District was questioned extensively regarding the lack of following procedural guidelines when it comes to mental health hearings. Those cases are tried in the 4<sup>th</sup> District by the Public Defender not LAS. They are looking for our assistance in training the Public Defenders and States Attorneys in how to handle those cases correctly. We have developed a checklist for them and have offered any training that they feel is necessary. They are anticipating a new Public Defender and a new States Attorney in the Sangamon County area and we will be working with them on getting that training completed.

Vice-Chairman Schleifer asked if there had been any discussion regarding Judge McGann's July 29, 2009 Administrative order with interim Judge Ballard. Director Baker said that there was a meeting and representatives from the State's Attorney and court reporters were there, as well as Joe Monahan

on behalf of various hospitals, a representative from Cook County Clerk's office and LAS. Everyone agreed that the scattering of hearings was not working and taxing resources. The only ones who were satisfied with the arrangement were the hospitals and a representative from the County Clerk's office who likes it because all of her people are downtown. The representative did admit that her clerks do not like the arrangement. There was continued discussion on how LAS does not have the manpower to conduct 3 and 4 hearings at a time in 3 or 4 different locations with the potential of 40 or more different hospitals being a real possibility. October was grueling; there were approximately 37 or 38 hearings which is more than one hearing a day, which was the goal of the administrative order. For some reason it was felt that the lack of hearings indicated a lack of justice for our clients. It is yet to be understood that there is a lot that goes into not having a hearing and having a hearing and being committed is not necessarily in the best interest of our clients. If we can do anything to avoid that, the LAS attorneys will work diligently at that.

John Wank asked if there has been any evidence that the number of hearings have been increased. Director Baker again stated that October was particularly grueling, but the information that she gathered from a period of time prior to the implementation of the order there was an average of 16 hearings per month and that has increased to about 20 hearings per month. For an average of 4 extra hearings per month, the financial costs seem to outweigh it. Hearings are taking place in conditions that are less than stellar; usually a conference room down the hall from where our client is housed. Until recently many of the judges would show up and there's no judge name plate, they are not wearing their robes, and with that type of informal environment many of our clients were questioning if those were actually real hearings, feeling that 'I went down the hallway, and now I'm committed'. A concession was granted that the judges will now always wear their robes, and will have smaller name plates to carry with them. Judge Ballard was not in a position to think about overturning the administrative order at their meeting. Mr. Wank asked if he was under any pressure from the hospitals representative and Director Baker replied that it wasn't apparent at that time. She believes that pressure happened a long time ago under Judge McGann. There was always mention of it costing hospitals \$1200 per patient per trip to transport them to a hearing, but number were never provided to substantiate that figure. However, if true, the private hospitals are in a better position to bear that cost than a state and county agencies.

Vice-Chairman Schleifer commended Director Baker on requesting the meeting and having this much discussion and thought started on the subject. Director Baker said Judge Ballard as an interim Judge will most likely not make a decision until his position is secure; however, he was willing to listen and did understand that it is a logistic nightmare to conduct so many hearings at once. He also said he would speak to Judge Evans about the situation.

It was determined that there was no further business and motion was made to adjourn by Commissioner Schleifer. Motion carried.

Meeting was adjourned at 1:59.