

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

James R. Thompson Center

100 West Randolph Street Suite 9-035 Chicago Illinois

And

Stratton Office Building, Room 500 1/2, Springfield, IL

SIU Carbondale, 105 Lawson Hall, Carbondale, IL

Video Conference

COMMISSION MINUTES

August 22, 2006

MEMBERS PRESENT

Jeanne Dolphus Cotton (via telephone)

Saul Morse (Springfield)

Seymour Bryson (Carbondale)

Senator Todd Seiben (via telephone)

Kenley Wade (Springfield)

MEMBERS ABSENT

Senator Ira Silverstein

Senator Don Harmon

Glenn Jackson

POSITIONS VACANT

Susan McMahon

EXECUTIVE STAFF PRESENT

Chicago

Dr. Mary Milano, Executive Director

John H. Wank, General Counsel, Deputy Director for Programs

Diane Devereux, Director Human Resources

Helen Godlewski Brownfield, Director of the Office of State Guardian

Veronique Baker, Director, Legal Advocacy Service

Danielle Welliever, Private Secretary to the Director

Gina Rossi, Confidential Assistant to the Director

Springfield

Carol R. Tipsord, Director of Fiscal Operations

Teresa Parks, Director Human Rights Authority

Jerry Turnbull, Director of Financial Operations

The August 22nd, 2006 meeting of the Illinois Guardianship and Advocacy Commission convened at 1:05 pm, in the James R. Thompson Center, Room 9-500 ½. Commissioners and executive staff from Springfield were joined via video conferencing from the Capitol Building Springfield, Illinois and Southern Illinois University, Carbondale, Illinois and by telephone. **Chairman, Saul Morse** presided. The meeting was called to order at 1:05 pm.

OPENING REMARKS

Commissioner Morse greeted commissioners and staff and asked that we begin with the Director's report. Due to technical difficulties at the Carbondale teleconference site, it was decided by commission members that action items on the agenda would be postponed until Carbondale site link-up was successfully made and a quorum was present.

Note: Commissioner Seymour Bryson joined the meeting 12 minutes into the meeting. A quorum was then present.

DIRECTOR'S REPORT

Milano welcomed everyone and indicated that her comments would be brief so that there would be adequate time for program committee director's reports.

Governor's Management and Budget Office: Director Milano quickly launched into a review of an hour-old discussion of the Commission's management plan with Governor's Office of Management and Budget. The Commission will most likely not be making a supplemental budget request since there is little chance one would be entertained, although many persuasive arguments were made with the Governor's office in that direction. Instead, creative approaches to staffing and service provision needs were identified, including the potential for shared personnel with DHS to enhance HRA functions as well as grow volunteer programs spearheaded by Gina Rossi. Director Milano expressed her hope that as we approach the '08 budget season, strong advocates can be found among the commissioners, particularly from the legislative membership.

Personnel: Two separations have been made and replacements hired. Bobby Fox, who brings with her over 23 years of human resource experience with the state of Illinois, now serves as the Associate Director for Human Resources. Danielle Welliever, filling the position of personal secretary to the Director, has a wealth of governmental experience, serving as aid to leadership in the Washington State House of Representatives. She also has extensive legislative advocacy experience at the state and federal levels.

Veronique Baker has also come on board since the commission's last meeting as the Legal Advocacy Service Director. Veronique is extraordinarily well qualified and has already found her to be extremely capable.

Commissioners: There has not been much progress made in getting appointments for Commission vacancies although names have been submitted.

Volunteers: Outside of the HRA program and principally through the staff efforts of Gina Rossi, we have logged volunteer hours equivalent to 4 full-time equivalent staff members during the last year.

Facilities, Hardware, Software: We have equipped and reequipped staff with technologies, as appropriate, including desktops, laptops, blackberries and other equipment that will enable them to do their jobs more effectively. We have finalized some leased space in Peoria.

We have overcome a building evacuation due to flooding and a wall cave-in in the basement of the Springfield office. Clean-up is continuing although we have been assured that there are no further health concerns from either mold or asbestos. Springfield staff and IT staff did an excellent job in responding to the dislocation, continuing operations and conducting business as usual.

2006 Budget Year: Director Milano reported that the agency came in on or a little under budget. Thank you to Carol Tipsord for her excellent work in helping to steward and allocate resources on a daily basis.

Commission Policies: Bank deposits, principally from wards and their estates, will only be placed in banks that do not participate in predatory lending practices. Commissioners have received supplementary written materials regarding this practice. We believe that this will mean no change for the commission in our practices.

Possibility of increased responsibility: Stems from case that has come from the Cook County jail. This complex issue will be discussed further by Deputy Director Wank and Teresa later.

Director Milano closed her comments and asked for questions. Chairman Morse asked if the predatory lending practice should be taken up by the commission as an action item. Deputy Director Wank explained that it is the responsibility of the Director to prepare and implement policies. At times in the past, when there has been a significant policy shift or great controversy from surrounding of the programs, Commission policies have come before Commissioners for ratification. The Predatory Lending Practice policy is consistent with the way the Commission has been doing business.

For the record, Commissioner Morse expressed his opinion on the Predatory Lending Practice policy with Director Milano the day before, and while he might not agree with the interpretation, he would let the issue go.

LEGAL AND PROGRAM REPORTS

Deputy Director Wank: We have put in a request to the governor's office to send six staff to the annual National Guardianship Association's annual conference. Last year we were only able to send one staff person.

The NGA is considering hosting a second type of conference in the spring every year, this one focused on training. Bill Schiedemantel, NGA president and OSC staff, has made a request that the smaller conference be held in Illinois. As a result, the NGA director is currently in conversation with Helen Godlewski about planning such a conference in the spring of 2008.

FISCAL REPORT

Fiscal Operations' Director Carol Tipsord reported that spending for budget year 2006 has almost been completed. Spending is on target and our 2% reserve has been more than exceeded. We have presented our spending plan to OMB for the next fiscal year.

ACTION ITEMS

Approval of Minutes from May 16th, 2006: A motion was moved and seconded to approve the minutes as written. No discussion. Motion carried.

HRA Nominations and Appointments Action Taken: Commissioner Morse asked if there was an objection to approving the nominations on a single motion. Hearing none, he called for the motion to appoint and reappoint HRA members as listed. The motion was moved and seconded. There was no discussion. Motion carried unanimously.

New Appointments

Chicago Regional Authority

Jill Quinto (Term expires August 2009)

Daniel Bishop (Term expires August 2009)

Egyptian Regional Authority

Sharon Mumford (Term expires June 2008)

North Suburban Regional Authority

John Barrett (Term expires May 2009)

Northwest Regional Authority

Gail Steckle (Expires September 2009)

Reappointments

Chicago Regional Authority

Ellen Holden Clark (Term expires August 2009)

Paul Mencinkas (Term expires August 2009)

Metro East Regional Authority

(Effective October 2006)

Thomas Cannady (Term expires October 2009)

Springfield Regional Authority - (effective September 2006)

Rodney Lefever (Term expires October 2009)

Kay Maier (Term expires September 2009)

End of Term

Chicago Regional Authority

Joseph Mengoni

Metro East Regional Authority (effective October 2006)

Mae Alice Shobe

Emil E Wilson

Northwest Regional Authority

Trina O'Brien

Springfield Regional Authority (Effective September 2006)

Janet Shelton

Resignations

East Central Regional Authority

Robert N. Drew

Metro East Regional Authority

Richard Avodian

HRA enforcement case # 06-100-9007 Concepts Plus Incorporated/Pine Terrace.

HRA Director Teresa Parks presented the case, brought now before the Commissioners for a referral for possible enforcement. A complaint stated that the patient was denied communication and visitation rights. The HRA presented its finding to the provider and after considerable back and forth, they were not able to reach an agreement with the provider. Written information about the case had been provided to the commissioners in their meeting packet. All standards for enforcement have been met.

Commissioner Action: After short discussion, Chairman Morse asked for motion to refer the case for enforcement action.. It was moved and seconded. There was no further discussion. Motion passed with unanimous vote.

Cook County Jail

Teresa Parks: The Chicago Regional Human Rights Authority (HRA) received a complaint for investigation alleging rights violations of a mental health recipient detained by the Cook County jail. The complaint concerns the mental health division located on the grounds of the Cook County jail and operated by Cermak Health Services. The complaint alleges that the

recipient was denied the right to refuse medication, was given medication against her will as punishment, and did not receive information regarding her rights. The HRA voted not to accept the complaint for investigation after reviewing the matter with Commission administration on the basis that 1) cases with criminal implications would represent a policy shift for the program, 2) accepting complaints of this sort could take the Human Rights Authority outside its scope of authority or competence, and 3) such cases could better be addressed by other entities with more expertise handling matters in correctional settings. The recipient filed a complaint regarding the Authority's decision not to accept the complaint for investigation. The Chicago HRA and Commission administration are requesting a review of this matter by the Commissioners.

Ms. Parks then reviewed for the Commissioners HRA mandates and Commission history relevant to the issue.

John Wank discussed legal and programmatic issues: 1) This issue is being brought before the Commissioners because the HRA, more than other GAC programs, act independently and they are seeking advice and authority to reverse one of their own decisions, 2) upon independent reviews by John Wank and Jeff Plesko, there seems to be no jurisdictional boundaries. 3) and HRA staff person, Pat Betzen, with support from other staff, has the necessary background and experience to competently take this on.

Director Milano emphasized the importance of looking at Cook County jail, mental health division as a service provider (through Cermak Health Services) instead of a correctional setting. Because Cook County Jail/Cermak Health Services is such a huge provider the Commission may have a very large impact disproportionate to our size. The downside is that this case might open a floodgate that the HRA would be unable to deal with. Perhaps because of the dual nature of the Cook County jail there seems to be no other entity at this point in time other than the GAC to investigate rights abuses at the jail. After taking on this one case, GAC may decide, due to staff or other limitations, not to take on any additional cases. She asked for affirmation and guidance from the commission.

A lengthy discussion ensued among commissioners and staff. Many points of concern were raised including the 1.) number of uncertainties 2.) capacity and resource issues 3.) agency responsibility and mandate 4.) possible partnerships other agencies. In addition, Commissioner Morse asserted that if it is found that the GAC does not have the capacity and resources to respond to its jurisdictional mandate at the Cook County jail, then they should candidly and truthfully ask the legislature to delete the authority.

Action: A motion was made and seconded to authorize and approve investigation into the complaint from the Cook County jail. Upon further discussion a substitute motion was made and seconded.

Substitute motion made and seconded: Commissioner's affirm the recommendation of staff as HRA (concerning a complaint involving the Isaac Ray Center, Inc. a division of Cermak Health Services of Cook County*) and direct staff to 1) advise the Human Rights

Authority of its recommendation, and 2) to further inquire into the implications for the Commission of accepting jurisdiction (for the matter.)

Substitute motion passed unanimously.

**Material in parentheses is for purposes of clarification.*

PROGRAM REPORTS:

Office of State Guardian. Helen Godlewski, Director

Caseload: The Office of State Guardian continues to serve as guardian for approximately 5100 wards, we also manage 250 fiduciary and estate cases.

New hires and staffing issues: Pam Connell is the newest staff attorney at the Peoria office, she will take over Jay Moses' caseload. Pam comes to us from the Department of Children and Family Services and has a great deal of legal experience. Jan Little is a contractual hire who will be helping guardianship representatives at the Metro east office. Both are welcome additions to our staff.

Our current position vacancies include two guardianship representatives in the Egyptian region, and a regional administrator in Rantoul, which is in the East Central region. Interviews were conducted for one of the guardianship representative vacancies in our Anna office; we hope to select a candidate shortly.

Programmatic Work: Since our last Commission meeting, OSG staff has been focusing on wards living in state operated developmental centers. The Illinois Department of Human Services recently announced a downsizing initiative that will impact 200 individuals currently being served in state operated developmental centers. DHS would like the moves to occur by the end of the calendar year. They cite ongoing issues with staffing patterns and staff- client ratios as the primary reason for reducing their census.

Regional staff has been working closely with state-op discharge planners, pre-admission screening agencies and community service providers to identify wards who could be served in community based settings and to match them with appropriate services given their immediate needs, family ties, geographic needs and other considerations

In 1998 we had 868 wards in state-operated centers, in 2002, 700 wards lived in state-operated centers. Today, we have 599 wards receiving services in the state-operated system.

Since July, 148 of those wards have been referred for community placement to either a CILA (which is a community integrated living arrangement) or to an ICFDD – that is, an intermediate care facility serving persons with developmental disabilities. Thus far, 7 wards have been discharged, 1 was returned and two wards were admitted into state-op for

behavioral issues. We hope to successfully transition many more wards by the end of December.

Guardianship representatives and OSG managers have been working very hard to assist in this project, Director Godlewski thanked her staff for their work over the past few months and acknowledge their efforts.

Human Rights Authority: Teresa Parks - Director

The HRA continues to have two staff vacancies one in Peoria and one in the East Central. Regions are being covered by staff from other regions and from Director Parks.

Regarding HRA membership: There are a total of nine HRA vacancies.

End of year statistics were provided in the Commission packet. There is a lower number of cases handled by HRA than in the previous year for multiple reasons. The HRA closed more cases than it opened. The HRA addressed some case backlogs and did not open as many new cases due to the lack of staff. The HRA's, particularly in the regions without staff coordinators, are streamlining intakes. The HRA cases still had impact on almost 10,000 persons with disabilities.

Commissioner Morse expressed concern, which according to Teresa's written report, that 40% of cases comes from patients in state operated facilities. Director Milano explained that there was much greater visibility of the HRA at state facilities. Commissioner Morse then asked staff to give thought to additional work in getting the word out among other agencies.

Legal Advocacy Service: Veronique Baker – Director

We consistently represent 500-600 recipients in any given month. Our 10 attorney's are working hard. Appeals are down in June and July. I'm sure they will go up with the new legislation.

There seems to be some disparity in how appeals are distributed among LAS staff. We are looking at ways to more equitably distribute the brief writing.

New legislation regarding administration of psychotropic medications may open a floodgate for admin of psychotropic medications. LAS attorney Barbara Goeben received 3 petitions last week. LAS attorneys are to report any increases in petitions. Commissioner Wade asked Director Baker to explain the legislation. There is some concern for abuse by doctors. There is a new provision in the law that would allow doctors to ask the patient if they would like psychotropic medication. If they refuse that would track the patient for 24 hours. The doctors are allowed to petition the court for involuntary administration of the psychotropic meds.

The new law will either indiscriminately get around the doctors right to refuse to medications or it will require doctors to provide more documentation. Only time will tell which way it will go.

CLOSING

Commissioner Morse asked for any further questions and hearing none he said there was only one last item before adjournment and that is setting the commissions next meeting. Staff will contact members. The meeting will most likely be held in late October.

Commissioner Morse asked for a motion to close the meeting. The meeting was adjourned at 2:40 pm.