

PEORIA REGIONAL HUMAN RIGHTS AUTHORITY MINUTES
July 15, 2009

The regular stated meeting of the Peoria Regional Human Rights Authority (HRA) was called to order at 1:15 PM on Wednesday, July 15, 2009 by Chairperson Jim Runyon.

The meeting was held at Tazwood Mental Health Center, 3248 Vandever Avenue, Pekin, Illinois.

ROLL CALL

PRESENT: Jim Runyon, Steve Watts, Ann Hicke, Dolores Sheen, Dean Steiner, Carolynsue Wolf and Flora Knutson

ABSENT: Meri Tucker

STAFF: Teresa Parks

GUESTS: Laura Kelly, DD Homes Network
Jeff Nelson, DD Homes Network
Stacey Lee

The Chairperson stated that a quorum was present.

The Chairperson stated that personally identifiable information should not be presented in public meetings to protect the privacy of those persons with disabilities on whose behalf the HRA conducts investigations.

Introductions were made.

To accommodate the guests present, Dean Steiner made a motion to enter into executive session at 1:17 p.m. to discuss Case #09-090-9021 - DD Homes Network; the motion was properly seconded and carried. Guests, Laura Kelly and Jeff Nelson, joined the closed session discussion. No action was taken. The HRA returned to open session at 1:45 p.m. and Laura Kelly and Jeff Nelson left the meeting. Guest, Stacey Lee, entered the meeting and began describing a concern. Jim Runyon then made a motion to return to closed session at 1:51 p.m. to protect the confidentiality of a service recipient; the motion was seconded and carried. Stacey Lee joined the closed session discussion to discuss a concern regarding disability services. The HRA returned to open session at 2:25 p.m. having taken no action in closed session.

MINUTES: Carolynsue Wolf made a motion to approve the March 18, 2009 meeting minutes; the motion was seconded and carried. Flore Knutson made a motion to approve the May 20, 2009 meeting minutes; the motion was approved and seconded.

COMMUNICATIONS: The HRA reviewed the application of prospective HRA Member, Jeremy McNamara. Mr. McNamara had previously served on the Peoria HRA; a year has elapsed since his prior term making him eligible for reappointment. The Members agreed to

submit his application to the Commission for appointment. HRA Members reviewed draft HRA rule revisions as recommended by Steve Watts. Steve Watts made a motion to submit the draft revisions to the Illinois Guardianship and Advocacy Commission (GAC) General Counsel for review; the motion was seconded and carried. Jim Runyon shared information regarding a revised special education rights booklet available from the Illinois State Board of Education.

NEW BUSINESS

A. Ratifications:

09-090-9012 - ICFDD Residential Facility - the complaint alleges that the facility has failed to provide adequate care for a resident and has failed to address complaints regarding the resident's care. Complaints had also been filed with the Illinois Department of Public Health. Alternative placement was being sought for the resident. Releases were sent in December 2008 and again in April 2009 with no response. The HRA voted not to accept the complaint in March, due to the lack of a release, but lacked a quorum; a fifth vote was secured from Meri Tucker after the meeting. Dean Steiner made a motion to ratify the decision not to accept the complaint for investigation; the motion was seconded and carried.

09-090-9013 - County Jail - the complaint alleges that there has been no staff training on mental illness, that towels are being used instead of spit masks, that when the detainee complained, the detainee was put naked in the jail, and that the jail did not provide medications and the family had to bring them in, although later the family was advised that medications could be available for \$5. The release was sent on 01-20-09 and again on 04-08-08 with no response to date. The HRA voted not to accept the complaint in March due to the lack of a release but lacked a quorum; a fifth vote was secured from Meri Tucker after the meeting. Dean Steiner made a motion to ratify the decision not to accept the complaint for investigation; the motion was seconded and carried.

09-090-9015 - Pekin Community High School - the Complaint alleges that the school did not follow behavioral intervention approaches as identified in a student's IEP. An emergency case opening was approved by Jim Runyon, Ann Hicke and Carolynsue Wolf on 04-30-09. Steve Watts made a motion to ratify the emergency case acceptance; the motion was seconded and carried.

09-090-9016 - Bridgeway - The complaint alleges the following: 1) the agency did not provide adequate vocational, residential, and financial management assistance to a consumer of services; 2) Access to psychiatric and counseling services was denied in spite of a consumer's court order to receive these services; 3) The agency interfered with the consumer's access to medical supplies; and 4) The agency violated a consumer's confidentiality protections. An emergency case opening was approved by Jim Runyon, Meri Tucker and Carolynsue Wolf on 05-01-09. Steve Watts made a motion to ratify the emergency case acceptance; the motion was seconded and carried.

09-090-9017 - Henry County Jail - The complaint alleges that a detainee with mental health needs was treated in an inhumane manner while on suicide watch at the jail. The complaint also states that detainees must pay fees to access prescribed psychotropic medications, the physician or a nurse. A release has been obtained. The HRA approved emergency case acceptance

pending a review by GAC's General Counsel regarding HRA jurisdiction. The General Counsel, John Wank, agreed with case acceptance effective June, 2009. Carolyn Sue Wolf made a motion to ratify the emergency case acceptance; the motion was seconded and carried.

09-090-9021 - DD Homes Network - The complaint alleges that the organization's management uses a blanket approach in responding to client needs rather than utilizing individualized treatment planning. Using emergency case opening procedures, the HRA approved accepting the complaint in March. Since initially presented, a request has been made to amend the complaint to include an additional issue. The additional issue states that residents of homes operated by DD Homes Network who also participate in vocational programs away from their home settings are not allowed to exercise the right of choice in vocational programming. Dean Steiner made a motion to ratify emergency case opening and amend the complaint to include the issue of choice in vocational programming; the motion was seconded and carried.

B. New Complaints

09-090-9018 - Addiction Recovery Program - The complaint alleges that the facility failed to adequately involve a patient's legal guardian in treatment decisions and failed to ensure adequate safety and security measures when the patient was allowed to leave and ended up missing and on the streets. The complaint also states that the program inconsistently applies admission criteria when a patient was found to be eligible for program services at the first admission but when a second admission was sought the program questioned her eligibility. A release of information has been received. Steve Watts made a motion to accept the complaint for investigation; the motion was seconded and carried.

09-090-9019 - Hospital Emergency Room - The complaint alleges that a person with mental health and substance abuse issues was prematurely discharged from the emergency department after she sustained injuries from a physical assault and even though she had made suicidal statements. The ER did not provide a psychiatric assessment and did not make appropriate discharge arrangements. In addition, the complaint states that the ER record is inaccurate in that there are conflicting statements regarding the ER visit. A release of information has been received. Steve Watts made a motion to accept the complaint for investigation; the motion was seconded and carried with Dean Steiner abstaining.

09-090-9020 - Special Education Program - The complaint initially alleged that the ISBE failed to accept a parent's complaints related to special education services; after discussing with the GAC General Counsel, it was determined that the HRA does not have jurisdiction to investigate ISBE as ISBE is not a direct service provider. The complaint was then modified to the following: 1) the program fails to provide a student with an accommodation as identified in the student's IEP; 2) the program does not maintain adequate student records in that items referenced in the student's IEP are not found in the student's file. A release was sent 05-13-09 with no response to date. The HRA took no action; a reminder letter regarding the release will be sent.

09-090-9022 - Community Mental Health Program - The program provides inadequate case management services. The manner in which case managers interacted with a recipient was inappropriate. A recipient requested a female case manager and the request response was

delayed. The agency lacks a formal grievance process. A release has been received. Dolores Sheen made a motion to accept the complaint for investigation; the motion was seconded and carried.

10-090-9001 - A Publicly Funded Fitness Center that also serves as the community's Senior Center and a satellite location for hospital sponsored physical therapy services. The complaint alleges that the Center fails to provide adequate accommodations for a person with physical impairments. A release has been secured. Carolynsue Wolf made a motion to accept the complaint for investigation. The HRA discussed jurisdiction. Teresa Parks reported that the Center is connected with the community's park district, houses the community Senior Citizen's Center and publicizes the availability of contracted physical therapy services. The motion was seconded and carried.

10-090-9002 - ICFDD 16 Bed - The complaints allege the following: 1) Resident needs are not being met; 2) Treatment plans not being followed; 3) There are inadequate staffing levels; 4) This is mishandling of resident personal belongings; 5) There are inadequate responses to grievances; and 6) A guardian was denied record access and copy. A complaint was filed with the Illinois Department of Public Health in early June with no response to date and the issues continue. A Release has been secured. Dean Steiner made a motion to approve case acceptance; the motion was seconded and carried.

10-090-9003 - Community Mental Health Center - A recipient's long-standing medication changed based on inaccurate information provided by a prior service provider and without feedback from service recipient. HRA information and a release were sent 07-13-09 with no response to date. The HRA agreed to table any case decisions.

C. Election of Officers

Dolores Sheen made a motion to approve the following slate of Officers: Chairperson - Jim Runyon; Vice-Chair - Steve Watts; and, Recorder - Ann Hicke. The motion was seconded and carried.

UNFINISHED BUSINESS -Carolynsue Wolf made a motion to return to closed session at 3:04 p.m. to discuss confidential information regarding case progress, draft reports and case closures. The motion was seconded and carried. The HRA returned to open session at 3:36 p.m. having taken no action in closed session. The following summary of items was discussed.

A. CASE PROGRESS REPORTS:

09-090-9001: Sharon Health Care Willows - A site visit has been completed with Carolynsue Wolf participating; new case information has been secured and the investigation continues. Carolynsue Wolf made a motion to amend the initial complaint to include allegations regarding an assault by staff and a violation of communication rights. The motion was seconded and carried.

09-090-9006: Robert Young Center - A site visit has been scheduled. Steve Watts and Dean Steiner are assigned.

09-090-9009: Monroe Grade School - A site visit is being scheduled. Meri Tucker and Jim Runyon are assigned.

09-090-9015: Pekin Community High School - a site visit is being scheduled pending the availability of the school's special education director. Jim Runyon and Flora Knutson are assigned.

09-090-9016: Bridgeway - a site visit has been scheduled. Steve Watts and Ann Hicke are assigned.

09-090-9017: Henry County Jail - a site visit is needed. Dolores Sheen and Carolynsue Wolf are assigned.

09-090-9021: DD Homes Network - a site visit is needed. Ann Hicke and Carolynsue Wolf are assigned.

B. DRAFT REPORTS:

09-090-9005: Tazwood Mental Health Center - Steve Watts made a motion to approve the draft report. The motion was seconded and carried.

09-090-9008: Midland School District - Flora Knutson made a motion to approve the draft report pending revisions regarding a school policy. The motion was seconded and carried.

C. CASE CLOSURES

09-090-9004: PARC - Steve Watts made a motion to approve case closure making the findings only a part of the public record; the provider requested that its response not be public. The motion was seconded and carried.

09-090-9010: Peoria City Hall - Carolynsue Wolf made a motion to approve case closure making the findings and response, at the provider's request, part of the public record. The motion was seconded and carried.

09-090-9011: Timber Creek Rehabilitation - Carolynsue Wolf made a motion to close the case making the findings a part of the public record. The motion was seconded and carried. No response was required and none was received.

ANNOUNCEMENTS: The next meeting of the Peoria Regional HRA is tentatively scheduled for September 16, 2009 at the KCCDD in Galesburg.

ADJOURNMENT: Flora Knutson made a motion to adjourn at 3:45 p.m.; the motion was seconded and carried.

Ann Hicke, Recorder