

COMMISSION MEETING MINUTES

September 21, 2010 1:00 PM

Video Conference sites:

Chicago:	James R. Thompson Center	100 West Randolph, Rm. 9-036
Springfield:	Capitol City Training Center	130 W. Mason St., Rm. 104
Carbondale:	SIU Morse Library	ISS Conference Room

Members Present

Anthony R. Rothert, Chairperson
Andrea M. Schleifer, Vice-Chairperson
Inez Torres Davis
Dr. Seymour Bryson
Kenley Wade
Representative Angelo "Skip" Saviano

Members Absent

Senator Ira Silverstein
Senator Don Harmon

Executive Staff Present

Chicago

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

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

Springfield

Carol R. Tipsord
Teresa Parks

Director of Fiscal Operations
Director, Human Rights Authority

Meeting was called to order at 1:15 pm. A quorum was present.

DIRECTOR'S COMMENTS

Dr. Mary L. Milano

The agency is waiting for a couple of significant decisions from the Governor's Office, both of a fiscal nature. The larger of the two decisions is with respect to the agency's allocation of funds from the Governor's emergency authorization. The agency requested \$1.4 million but we have been promised \$1.2 million which would suffice to prevent lay-offs. There may not be a public decision until sometime in early November.

The agency also proposed an extensive plan to alleviate personnel and duty issues that exist with regard to the merit compensation furlough program. The proposal called for a reduction in furlough among the Executive Staff in view of certain responsibilities that can only be handled by merit compensation staff. Action on the proposal has been promised, but again it is suspected that, despite consistent reminders given to the Governor's Office, nothing will be decided until early November.

Lastly, with regard to pending commissioner appointments, we are very close to approval but nothing has been determined. We had hoped for at least 2 more members by the time of this meeting, everything has been done to conclude the application and vetting process, but we are now awaiting the final step. Once this step is taken it will alleviate some issues with quorum.

We also have an upcoming meeting with Governor's counsel on the agency's legislative focus for the upcoming Veto session. We don't have any real pressing issues for the upcoming session, except our budgetary concerns. In January we will join some other agencies again, continuing initiatives that will benefit the populations that we serve. We had very good luck in the last legislative session as well as the previous one. We hope to continue that trend, not only with legislative agendas, but also building coalitions with other partners within and outside of government.

Vice-Chairman Schleifer asked if there was a way to present the quorum issue in the upcoming session and Director Milano replied that she didn't believe that there would be a possibility of having the quorum issue addressed in the Veto session. The last regular session ended before Representative Saviano could get the quorum issue introduced. In this legislation we will propose a change the quorum requirements to a simple majority of actual appointed Commissioners rather than a majority of authorized Commissioners. It was made clear that the Speaker's office was not favoring such legislation at this time. We will be in discussions with both Senate and House members of the Commission as to whether we will be able to advance that legislation during the next regular session in January.

We have candidates for the positions of Legal Advocacy Service attorney, Office Associate and IT positions for the Chicago office and 2 account technicians in Springfield. We are awaiting final approval to hire.

LEGAL PROGRAMS REPORT

John Wank

The National Guardianship Association conference will be in Hershey, PA on October 2. There will not be any staff attending; however he and Madeleine Sharko will be attending. Travel expenses for the conference are not subsidized by the Commission. Ms. Sharko is a member of the board and he will be presenting the guardianship legal review. They hope to talk to people at NGA about how Medicaid has affected guardianship programs around the country. Our Medicaid reimbursement program came to an end this past fiscal year and we're interested in finding out if other agencies have been similarly affected and if there's any impetus to persuade the Federal government to look at things differently and more open to the idea of putting us back in the scheme of things.

FISCAL REPORT

Carol Tipsord

Total expenditures for FY 10 were \$8,744,895.00 in general revenue. In the GAC fund we expended \$79,526.00; we ended the year in good shape. We were unable to purchase any vehicles, which we had hoped, but we opted to hold off on that so we could use funding to pay staff.

Current FY appropriations in the general revenue fund is \$8,429,600.00. As Director Milano stated we need about \$1.4 million to pull us through FY11. CFO Tipsord spoke with Mark Staley at the Office of Management and Budget and he stated that the agency was on the list to receive the Governor's special appropriate of \$1.2 million, which will get us through the remainder of the fiscal year without having to do lay offs. Appropriations in the GAC fund is \$187,700.00, which is all based on what cash is actually in the account, which is usually \$50,000. Monies are coming in monthly and expenditures are going out. We usually have around \$40-60,000 in that fund.

ACTION ITEMS

Motion was made by Vice-Chairman Schleifer to approve the minutes from the December 8 and 15, 2009 and June 15, 2010 meetings. Motion was seconded by Commissioner Wade. Motion carried.

Motion was made by Vice-Chairman Schleifer to enter into closed session to discuss personnel issues with regard to the Director's evaluation and compensation. Motion was seconded by Commissioner Torres Davis.

Motion carried and meeting went into closed session at 1:38 pm.

Open session resumed at 2:25 pm.

When open session resumed, Commissioner Rothert reported that the Commission had evaluated the Director orally based on previously submitted materials and he will providing something for the Director's files regarding the evaluation. The Commissioners approved a motion to give the Director, effective July 1, 2009 a 4% raise and an additional 4% raise effective July 1, 2010 retroactive only to July 1, 2010 due to budget restrictions. Dr. Milano thanked the Commission for its consideration on a difficult issue. Chairman Rothert in turn thanked Director for her hard work over the past years.

Information Items

Office of State Guardian

Helen Godlewski Brownfield

OSG continues to serve as legal guardian for approximately 4800 wards statewide. Caseloads average about 120 per caseworker, which is still roughly 3 times the national average. We have made much progress with regard to finding community placement for wards; more than 1600 wards live in CILAS and we have fewer than 400 living in State operated facilities. 10 years ago those numbers were vastly different and Director Godlewski is very pleased with the progress made in finding community placement.

Since the last Commission meeting, Howe Development Center closed. The last 2 residents who were moved were OSG wards. Most of our wards moved into group homes. A small group moved into State operated developmental facilities.

With regard to OSG staffing, there were 5 staff vacancies last quarter due to extended medical leave; therefore, 550 wards were reassigned to other caseworkers. This quarter we have 2 people out on medical leave and expect to have another 2 vacancies in October for family leave. Regional staff will take over their cases.

We now have a relationship with Loyola University; 4 graduate students will be working with us and will be assigning them small caseloads.

Director Milano commended the extraordinary work that the Office of State Guardian Director and staff have accomplished with regard to success in community placement. These efforts have also resulted in an increase in the responsibilities and amount of time it takes for the Office of State Guardian staff to accomplish their work. The dispersed placements present a challenge, particularly in the downstate areas. Dr. Milano will make mention of these accomplishments and their challenges when meetings with legislature in the upcoming appropriations hearings.

Human Rights Authority

Teresa Parks

Director Parks gave a brief overview of the HRA items that had been approved by Director Milano: 2 new members, 1 reappointment, 1 term expiration and a resignation. Currently, there are 14 HRA member vacancies across the state; most in the Northern part of the state. There are some vacancies in Champaign and the southern part of the state as well and Director Parks will be working with Danielle Welliever to fill those vacancies.

Director Milano also approved enforcement referrals on 5 cases: this is an increase. We rarely have enforcement referrals; only a few times a year. In this instance the referrals were due to either lack of provider response or an inadequate response from the service provider. Four (4) of the referrals concern the same provider, an organization called D.D. Holmes Network. We continue to have ongoing issues with this provider, have pursued enforcement referrals with this provider in the past: we have met with the provider as well as with Department of Public Health and Department of Human Services and will continue to do so. We may want to consider other avenues as well: John Wank and the HRA have been discussing some other options, perhaps involving another advocacy agency.

The other enforcement referral concerned a county jail with regard to the matter in which the inmates with mental health needs were treated. That referral has been sent to the oversight body for the county jail system.

Director Milano also approved a case transfer which doesn't happen very often but was made in this instance purely because of logistics. The provider is technically located in the Egyptian HRA regional boundaries, but is closer in mileage to the East Central HRA region. East Central was willing to assume responsibility so that was approved.

The HRA is fully staffed at the moment, but anticipates retirements in the coming year. HRA staff continues to engage in staff development opportunities; participating in some of the recent OSG training as well as regional training opportunities. We are in the process of updating the HRA member orientation manual that is given to individuals who are newly appointed to regional HRA and hope to put the manual on line so it is more readily available to HRA members. Jon Burnet, our HRA administrator who works in the Rockford office, continues to be Chairman of the Abuse Task Force. The Task Force intends to make some recommendations in the future.

FY10 program statistics and case numbers remain stable; most complaints come directly from the person with the disability, their family, private guardians and OSG. Most complaints continue to involve people with mental illness and mental health providers, including State operated mental health facilities, hospital psychiatric units, private psychiatric hospitals and community mental health providers. We have seen an increase in cases involving nursing homes. A variety of rights issues are addressed in the cases, but most frequently we hear complaints about inadequate treatment, programming, admission, discharge and rights associated with medications—mostly notably we receive a lot of complaints about forced medication and emergency medication.

Legal Advocacy Service

Veronique Baker

Director Baker reported that the LAS continued to provide services to a steadily increasing client base. There were 62 appeals in the past year and about 9200 client contacts over the course of the year. The LAS is in the process of extending an offer to an attorney to replace the LAS attorney lost in the North Suburban office. Hopefully that will help to alleviate the caseloads in the Cook County area. There has been a large increase in the number of petitions

and hearings in that area which is creating a resource crunch with respect to the LAS attorneys and the work they're required to provide to their clients.

Ms. Baker continues to be in contact with Public Interest Law Initiative (PILI); the service was not able to acquire any interns from their organization for the summer, but she will renew her contact with them in hopes of getting some student volunteers.

The Chief Judge for our division in Cook County (McGann) has retired; there is an interim Chief Judge (Ballard). The LAS is in the process of sending a letter to the interim judge addressing some of the problems that we continue to have as a result of the administrative order from last year: timely hearings, protocol in the make shift courtrooms that are held in the hospitals—judges don't wear robes, don't use name plates, etc. Our clients are having problems identifying who is who with regard to hearings. Issues continue with regard to transportation and hospitals that we have not had contact with that further upsets an already heavily laden schedule of the LAS attorneys.

We've had our first involuntary outpatient petition filed in this region. It went smoothly; the client agreed with everything that was suggested so it was actually entered as an agreed order. This came from a family member; the request is to get some of the hospitals to realize that these petitions can be done on an outpatient basis.

LAS received an informal request from the Cook County Public Defenders office to do training for them on how to handle mental health cases. In the past years we had been informed that the Public Defenders Office was not available to substitute in this area, so we were surprised to receive that request and will be taking advantage of that.

Vice-Chairman Schleifer mentioned that when she hired a law student in the summer another student asked if she could volunteer. She suggested that the LAS reach out to the law schools and see if anyone would like to volunteer. She also noted that they may give credit as they do for people who work at the Public Defender or State Attorneys offices.

Other business

Commissioners were asked if they would consider receiving their meeting packets electronically to defray the cost of mailing and printing. It was determined that in the future unless Commissioners opt out of receiving their meeting packets electronically they will receive electronic copies.

Motion to adjourn was made by Commissioner Torres Davis, seconded by Commissioner Wade.

Meeting was adjourned at 2:43 pm.