

## PEORIA REGIONAL HUMAN RIGHTS AUTHORITY MINUTES

January 20, 2010

The regular stated meeting of the Peoria Regional Human Rights Authority (HRA) was called to order at 1:09 PM on Wednesday, January 20, 2010 by Chairperson Jim Runyon.

The meeting was held at Easter Seals, 507 East Armstrong, Peoria, Illinois.

### ROLL CALL

**PRESENT:** Ann Hicke, Flora Knutson, Jim Runyon, Dolores Sheen, Dean Steiner (left at 2:45 p.m.), and Meri Tucker

**ABSENT:** Jeremy McNamara, Steve Watts and Carolynsue Wolf

**STAFF:** Teresa Parks and Jon Burnett

**GUESTS:** Linda Bell  
Jamie Durdel, TCRC

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.

Flora Knutson made a motion to enter closed session at 1:15 p.m. pursuant to Section 120/2 (c) (4) and (10) of the Open Meetings Act (5 ILCS 20), Section 3955/10 of the Guardianship and Advocacy Act (20 ILCS 3955) and Section 110/5 of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110). The purpose of the closed session was to provide a guest with the opportunity to privately address the HRA and to discuss confidential information regarding case progress pertaining to Case #10-090-9005 - Tazewell County Resource Center. Guest, Linda Bell joined the close session to address the HRA and then left the meeting. Guest, Jamie Durdel, entered the closed session discussion of Case #10-090-9005 and then left the meeting. The HRA returned to open session at 2:00 p.m. having taken no action in closed session.

MINUTES: Meri Tucker made a motion to approve the November 18, 2009 meeting minutes; the motion was seconded and carried.

COMMUNICATIONS: Teresa Parks reported on the following: 1) the 2010 meeting schedule; 2) correspondence from the Mayor's Disability Commission; 3) an agency travel form; 4) follow-up on a letter to the Governor on which the HRA was copied; 5) a prospective new member application; 6) a report on services to persons with developmental disabilities; and, 7) some newspaper articles.

### NEW BUSINESS

#### **A. Ratifications:**

10-090-9014 - CWTC - the complaint alleges that the Center underpaid a workshop participant but then reimbursed the participant without explanation; failed to address physical accommodations in work assignments; failed to address a workshop participant's concerns; and, maintains a cold and uncomfortable work environment. Jim Runyon, Carolynsue Wolf and Meri Tucker approved an

emergency case opening on December 14, 2009. Meri Tucker made a motion to ratify the emergency case acceptance; the motion was seconded and carried. Flora Knutson, Carolynsue Wolf and Meri Tucker are assigned.

**B. New Complaints:**

**10-090-9009 - Special Education Program.** The complaint states that during the 2008-2009 school year, the school district did not a complete a needed functional behavioral analysis, did not develop an individualized behavioral approach/program when needed, did not follow a prescribed behavioral plan after it was developed, excessively used time out and for longer periods of time than had been prescribed, did not adequately train staff on the student's unique needs and did not hold a manifestation determination meeting as part of issuing discipline. A release was sent on October 13, 2009 and again on November 24, 2009 with no response to date. Dean Steiner made a motion to not accept the case for investigation; the motion was seconded and carried.

**10-090-9010 - Special Education Program.** The complaint states that the school district did not provide an accommodation/technology device as per a student's IEP, removed the device without justification, did not revise the IEP when the device was remove and did not adequately inform the student's parents of the reason for the device removal. A release was sent 10-13-09 and the complainant recently contacted the HRA expressing intent to return the signed release. Dean Steiner made a motion to table case acceptance; the motion was seconded and carried.

**10-090-9012 - Community Mental Health Program.** The complaint states that the provider placed a new requirement upon a recipient in order to access psychiatric care and medications and without sufficient justification. The recipient was required to have urine testing before services and had to incur the testing costs. When the recipient refused testing, he was refused needed medication and services. The complaint also alleges that the program's physician does not adequately assess the recipient when he meets with him. A release has been received, however, it was found invalid because it lacked a witness signature; the HRA has also learned that the recipient in the case has a legal guardian. A release was resent and contact was made with the recipient who requested that the complaint be withdrawn. Dolores Sheen made a motion to close the case; the motion was seconded and carried.

**10-090-9013 - Hospital Emergency Room** - The complaint states that a mental health recipient was denied medical treatment due to her history of mental illness. A release was sent November 2, 2009 and again on November 24, 2009 with no response to date. Flora Knutson made a motion to close the case; the motion was seconded and carried.

**10-090-9015 - Community DD Provider** - The complaints allege the following: 1) the agency inconsistently applies practices and policies with regard to vocational services, serving a resident in the residential program and charging transportation fees. 2) the agency charges fees for services that may be funded. 3) the agency is attempting to assign service fees to adult clients based on parental income and assets. 4) the agency board of directors is not accessible to clients/parents and board practices have suddenly changed with regard to meeting access, parent participation and parent leadership. 5) services were abruptly ended when state funding temporarily ceased potentially placing client safety in jeopardy; services were resumed when funding issues were addressed. 6) the agency brought in non-disabled persons to do client work. 7) there is a general lack of information shared with and accountability to clients, parents, family members and association membership. 8) there is an inadequate grievance process. Releases have been received. Dean Steiner made a motion to accept the complaint for investigation; the motion was seconded and carried.

**10-090-9016 - Special Education Program** - The complaint alleges that the school is threatening to report a parent to DCFS for failing to sign a release allowing school access to a student's medical

records; the school inappropriately secured a medical release from the student; the school uses approaches that impact the student's dignity; the school staff violated a student's privacy; the school has not provided adequate transition planning and goals; and, the school does not provide adequate notice of IEP meetings. A release was recently sent. Dean Steiner made a motion to table case acceptance; the motion was seconded and carried.

**10-090-9017 - Hospital** - The complaint states that the hospital violated a patient's confidentiality rights, did not honor a communication/visitation restriction, discharged a patient still in need of care and did not adequately notify or involve a patient's legal guardian. A release has been received. Meri Tucker made a motion to accept the case for investigation; the motion was seconded and carried. The case is assigned to Dolores Sheen and Flora Knutson.

**10-090-9018 - Hospital** - the complaint states that the hospital did not secure a patient's personal items, including dentures and a hearing aide. The complaint also states that the hospital did not provide adequate discharge planning or arrange for needed in-home care. A release was sent on 12-15-09 with no response to date. Meri Tucker made a motion to table case acceptance; the motion was seconded and carried.

**10-090-9019 - Special Education Program** - The complaint states that the program has not adequately accommodated a student's ability to physically access his special education program and the parent's ability to grieve is hindered by the possibility that the student's placement may change to accommodate mobility needs which, in turn, would negatively impact the student's educational needs. A release was sent 12-15-09 with no response to date. Flora Knutson made a motion to table case acceptance; the motion was seconded and carried.

**10-090-9020 - Nursing Home.** The complaint states that a resident is not able to access, on an ongoing basis, devices that he used at his prior residence related to breathing and sleeping, that the resident has not received adequate treatment for prostate problems, that the resident has not received adequate care for his diabetes, that therapy is inadequate, that care related to nighttime incontinence is inadequate, and that there are delays in securing hospital admission. The complaint also states that the facility does not adequately involve the agent named in the patient's power of attorney. A release was sent 12-15-09 with no response to date. Dean Steiner made a motion to table case acceptance; the motion was seconded and carried.

**C. Review of Executive Minutes** - HRA Members reviewed executive meeting minutes for meetings held in March, May, July, September and November 2009 to determine if the minutes could be made public. Dolores Sheen made a motion to maintain the confidentiality of these Executive Meeting Minutes as they contain information that could potentially identify a service recipient or HRA complainant; the motion was seconded and carried.

UNFINISHED BUSINESS - Meri Tucker made a motion to enter closed session at 2:30 p.m. to discuss confidential information regarding case progress, draft reports and case closures pursuant to Section 120/2 (c) (4) and (10) of the Open Meetings Act (5 ILCS 20), Section 3955/10 of the Guardianship and Advocacy Act (20 ILCS 3955) and Section 110/5 of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110).. The motion was seconded and carried. The HRA returned to open session at 3:45 p.m. having taken no action in closed session. The following summary of items was discussed. Dean Steiner did not participate in closed session discussion of Cases #09-090-9019 and 10-090-9007.

CASE PROGRESS REPORTS:

**09-090-9022: Southside Office of Concern** - a site visit is needed. Meri Tucker and Jim Runyon are assigned.

**10-090-9001: Five Points** - a site visit is needed. Steve Watts and Carolynsue Wolf are assigned.

**10-090-9004: Ottawa Regional Hospital and Healthcare Center** - a site visit is needed. Steve Watts and Jeremy McNamara are assigned.

**10-090-9006: Charter Oaks School** - a site visit is needed. Jim Runyon and Jeremy McNamara are assigned.

**10-090-9007: Methodist Medical Center** - a site visit has been completed. A record review was completed; however, security records were not included. The hospital maintained that it is not required to release security records. Flora Knutson made a motion to subpoena the security records; the motion was seconded and carried.

**10-090-9008: Illini Bluffs School District** -A site visit is needed.

**10090-9011: Human Service Center.** A site visit is needed.

DRAFT REPORTS:

**09-090-9017: Henry County Jail** - Meri Tucker made a motion to approve a draft report with revisions; the motion was seconded and carried.

**09-090-9018: Illinois Institute of Addiction Recovery** - Meri Tucker made a motion to approve a draft report with revisions; the motion was seconded and carried.

**09-090-9019: Methodist Medical Center** - the case is ready for a report but a report has not yet been completed. No action was taken.

**09-090-9021: DD Homes Network** - the case is ready for a report but a report has not yet been completed. No action was taken.

**10-090-9002: Davies Square** - Meri Tucker made a motion to approve a draft report with revisions; the motion was seconded and carried.

**10-090-9005: TCRC** - the case is ready for a report but a report has not yet been completed. No action was taken.

CASE CLOSURES

**09-090-9009: Monroe Grade School** - The HRA took no action and directed HRA staff to follow-up with the provider about a response specific to the recommendation.

**09-090-9016: Bridgeway** - Meri Tucker made a motion to close the case making the findings part of the public record; the motion was seconded and carried. There was not provider response.

OTHER BUSINESS: The HRA discussed the Commission's continued interest in filling the vacant Peoria HRA Coordinator position.

ANNOUNCEMENTS: The next meeting of the Peoria Regional HRA is tentatively scheduled for March 24, 2010 in Monmouth.

ADJOURNMENT: Dolores Sheen made a motion to adjourn at 3:50 p.m.; the motion was seconded and carried.

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Ann Hicke, Recorder