



Advancing the human and civil rights of people with disabilities

SELF-ADVOCACY ASSISTANCE ★ LEGAL SERVICES ★ DISABILITY RIGHTS EDUCATION ★ PUBLIC POLICY ADVOCACY ★ ABUSE INVESTIGATIONS

November 12, 2009

COPY

Ms. Sally Petrone
Illinois Department on Aging
421 E. Capitol Avenue, Suite 100
Springfield, Illinois 62701

Dear Ms. *Sally* Petrone:

I am writing regarding some of the testimony given at the hearing on the 29th of October before the Governor's Task Force on Nursing Home Safety. I understand from my staff that Assistant Secretary Hou asked you whether the Ombudsman provide services to individuals in nursing homes under age 59. I am told that in response you testified that the Ombudsman program used to refer such cases to this organization but that such practice was stopped because your agency believed that we do not take on individual cases, only systemic issues. I felt that it was important to correct the testimony because we do in fact provide advocacy and legal services to people who reside in nursing homes, both under and over the age of 59.

This organization has committed substantial resources to addressing the needs and concerns of people with disabilities residing in nursing homes throughout Illinois. Those resources currently include two pending federal class action lawsuits alleging violations of the Olmsted decision, various systemic investigations of dangerous facilities and/or problematic facility-wide practices impacting health and safety and identifying significant regulatory compliance issues. In addition to the systemic activity, we have represented individuals living in nursing homes in a large number of cases to address discriminatory practices, violation of individual rights, quality of care issues, adequacy of programming, misuse of restraint, and abuse and neglect.

I believe that your testimony before the Task Force must have related to the period of time, when the Ombudsman program determined that it could not serve individuals under 59, so referrals regarding involuntary discharge cases were made to this organization. However, given the substantial resources that we have committed to addressing community integration mandates, individual rights, safety and well-being and regulatory compliance issues, we determined that a more effective way to address most involuntary discharge issues was through comprehensive written material regarding the individual's rights along with appropriate referral information. We created such material in cooperation with the Department of Public Health. The material, which can be found on our website, has been distributed routinely. We would be pleased to share that information with your program. Nonetheless, in egregious cases of involuntary

THE INDEPENDENT, FEDERALLY MANDATED PROTECTION & ADVOCACY SYSTEM FOR THE STATE OF ILLINOIS

DOUG KENSHOL, BOARD CHAIRPERSON ZENA NAIDITCH, PRESIDENT & CEO

MAIN OFFICE: 20 N. MICHIGAN AVENUE, SUITE 300 ★ CHICAGO, IL 60602 ★ EMAIL: CONTACTUS@EQUIPFORQUALITY.ORG ★ TEL: (312) 341-0022

TOLL FREE: (800) 537-2632 ★ TTY: (800) 610-2779 ★ FAX: (312) 341-0295 ★ MULTIPLE LANGUAGE SERVICES / AMERICAN SIGN LANGUAGE

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discharge, where substantial violations of the individual's rights are evident, we have provided legal representation and will continue to do so in select cases.

As it appears that there is some confusion regarding the services that this organization provides as the Protection and Advocacy System for people with disabilities in Illinois, I am sure that my staff would be willing to present information to your program at any meetings or conferences where such information would be relevant. Should you have any questions, please feel free to contact me.

Sincerely,



Zena Naiditch

CC:
Michael Gelder, Chairman
Nursing Home Safety Task Force ✓

Michelle R.B. Saddler, Secretary
Department of Human Services

Grace Hou, Assistant Secretary
Department of Human Services

Dr. Lorrie Rickman Jones, Director
Division of Mental Health - DHS