FOR IMMEDIATE RELEASE

North Suburban Human Rights Authority
Report of Findings
DayOne Network
HRA #09-100-9015

Case Summary: It was concluded that DayOne considered residential options and tried to resolve issues with the residential provider; the allegation was unsubstantiated. The HRA's public record on this case is recorded below.

The North Suburban Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation of alleged rights violations at DayOne Network. In October 2008, the HRA notified DayOne of its intent to conduct an investigation, pursuant to the Guardianship and Advocacy Act (20 ILCS 3955). The complaint accepted for investigation was that the agency did not provide services appropriate to the needs of an individual. The rights of mental health consumers are protected by the Illinois Administrative Code for discharge, linkage and aftercares services (59 IL Adm. Code 125).

The HRA conducted an on-site visit in January 2009. While at DayOne, the HRA interviewed the Executive Director, the Program Manager and the Case Manager for the client identified in this case. The HRA reviewed, with written authority, case management documentation on the consumer whose rights were alleged to have been violated. Also reviewed were agency policies relevant to the allegations.

Background

DayOneNetwork is a private, nonprofit, community based agency providing service coordination and advocacy services to children and adults with developmental delays and/or disabilities of all ages. The agency "guides individuals and their families through the maze of community services to access needed supports and services". The ultimate goal is to connect people who need services with those individuals or agencies that provide them. The mission of DayOne Network is to find solutions for children and adults with developmental delays and/or disabilities in Kane and Kendall Counties and Hanover Township of Cook County and to make the connections for necessary services and supports.

This mission is accomplished through independent service coordination activities:

- Screening
- Eligibility Determination
- Assessment and Evaluation
- Service Plan Development
- Service Arrangement and Linkage
- Follow Up
- Advocacy and Community Education
- Information and Referral

Findings

The complaint that was reported to the HRA is that DayOne agency did not advocate for a resident regarding discharge from a residential program. The complaint stated that agency *enabled* the residential provider and *sat-silent* while the resident was discharged. The guardian did not believe that her daughter should be discharged from the residential program, and wanted DayOne to support her in that belief.

According to the record reviewed, on late November 2007, the guardian was advised that the residential program wanted to move the resident to another residential site. The guardian contacted DayOne (via email) saying to them that the current CILA should remain as the residential site, noting that the permanent home managers have been exceptionally good with the resident, the resident has a good relationship with the other clients, both the residential site and the workshop are close to the parent's home and places of employment.

In December 2007 the residential program advised that they must relocate the resident to another CILA site by the end of the calendar year. The DayOne Case Worker documented (12/07) that the client's parents wanted to move the client to a different residential facility. In early January 2008, the Case Worker noted that admission packets were sent to six residential facilities. It was noted that three were interested; a couple of the facilities did not feel they could meet the client's needs or they did not have an appropriate opening.

On March 7, 2008, notification was made to the guardians that the resident was to be terminated from the residential program; the guardians asked for an appeal. Case management documentation indicated that DayOne wrote an appeal letter. The appeal was supported (6/23/08) and a hearing was scheduled for July 17, 2008. The notes show much documentation between DayOne staff (Case Management staff, the Program Director and the Executive Director) and the guardians regarding the discharge. The notes showed that the guardians wanted DayOne to become more verbal against the residential provider; it was noted that DayOne had heightened the search for a new residential provider; conversations between staff and the guardians were made about residential options; and DayOne staff members were in contact with the Illinois Department of Human Services regarding the client. On July 31, 2008, DayOne sent a letter to the residential site, saying that they supported the discharge from the CILA site, but they did not support discharge from the residential provider. It is noted that in early August 2008, the guardian sent an email to DayOne stating her disappointment in DayOne as an advocate and requested to change ISC agencies; the request was granted the following month.

At the site visit, the agency explained that DayOneNetwork is an ISC – Individual Service Coordinator -which includes Case Coordination, Pre-admission Screening (PAS); Individual Services and Support Advocacy (ISSA); and Bogart. All of these programs have their own funding mechanism. The client identified in this case was under the ISSA for her Community Integrated Living Arrangement (CILA), funding.

Agency personnel stated that in 1998 DayOne became the case coordinator for the client. They stated that they are the client's advocate - they want and appreciate guardian/parent input, but their job is to provide the best services for the client. DayOne believed the environment at the CILA was not healthy for the client and that it would not get better. They sent a letter to the Network Facilitator stating that the client should not be discharged from the residential provider but that she should go to another CILA within that provider. It was stated that the guardian would refuse all options presented and the guardian thought that the client should not be the one to go.

It was stated that by the end of July beginning of August 2008, the family was asking for a new Service Coordinator; the client was transferred in September 2008.

The HRA received a copy of the State of Illinois: Medicaid Home and Community-Based Services Waivers for Individuals with Developmental Disabilities Provider Manual (September 2007), Individual Services and Support Advocacy, which states (in part) that this agency serves "as an independent resource for families in considering options and resolving issues with providers or services." The agency is also responsible for "working through a variety of service issues – changes in support levels" and to help resolve any complaint "by involving provider staff of increasing authority" and "if the grievance cannot be resolved, ISSA staff may contact DHS staff for technical assistance or intervention."

Also included from the Manual was the Participant Service Termination – which lists the criteria for termination and how the ISSA agency is involved. The termination can only occur if "ISSA has been consulted and concurs". If conflict arises a referral to the Department for technical assistance can be made. The next statement says: "The individual or guardian has waived or exhausted his or her appeal rights."

Conclusion

Pursuant to the Illinois Administrative Code, Section 125.130, "Case coordination is a mechanism for assuring and coordinating services to meet the needs of those recipients who require this service. It provides the necessary advocacy function to facilitate the linkage of a recipient who has identified service needs to the available resources. The case coordinator principally focuses on the service delivery system from the vantage point of the individual recipient in need of the service, and engages in resource identification and linkage."

It is concluded that DayOne considered residential options and tried to resolve issues with the residential provider. The Illinois DHS staff were contacted for intervention. Based on the documentation received, the allegation that the agency did not provide services appropriate to the need of the individual is unsubstantiated.