EAST CENTRAL REGIONAL HUMAN RIGHTS AUTHORITY MINUTES
January 20, 2011

Chair Larry Phillips opened the January 20, 2010 meeting of the East Central Regional Human Rights Authority (HRA) at 4:00 p.m. at the State Regional Office building, 2125 S First St, Champaign, IL 61820. At 4:03 p.m. HRA member Babette Leek joined the meeting, at 4:15 p.m. Sandra Kopels joined the meeting and at 4:30 p.m. Annette Beckerer joined the meeting.

Members Present: Sandra Kopels, Larry Phillips, Babette Leek, Annette Becherer Mary Auth, Sandra Dixon William McSurley and George Roth.

Members Absent: None

Staff Present: Cathy Wolf

Guests: None

George Roth 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. A quorum was present.

MINUTES: George Roth made a motion to approve the September 16, 2010 meeting minutes; the motion was properly seconded and carried.

George Roth made a motion to approve the November 18, 2010 meeting minutes; the motion was properly seconded and carried.

Chair Larry Phillps made a motion to go into closed session at 4:14 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act. to discuss whether past executive meeting minutes could be made public. The Authority returned to open session at 4:45 p.m. having taken no action in closed session.

The HRA voted to make the following executive meeting minutes public July 16, 2009, September 17, 2009, January 21, 2010, March 18, 2010, May 20, 2010 and September 16, 2010.

Sandra Kopels pointed out a correction to the executive portion of the November 18, 2010 meeting minutes. The approval of the executive portion of the November 18, 2010 meeting minutes was rescinded until the correction could be made.

COMMUNICATIONS: None

NEW BUSINESS

Ratifications

11-060-9010 - Decatur Manor Healthcare - Annette made a motion to ratify; the motion was seconded and carried.

11-060-9011 - Saint Mary's Hospital - Mary made a motion to ratify; the motion was seconded and carried.

New Complaints

10-060- 9018 - School - The complaint alleged that a student was not being provided services per her education plan. A release was sent on 5/24/10 and had not been received. Another request was sent with a second release on 07/22/2010. There has been no response. Mary made a motion to not accept, the motion was seconded and carried.

11-060-9006 - University - The complaint alleged that a student with a disability was not provided reasonable accommodations to attend a specific class. The second issue was his disagreement with the class content regarding evolution. He was advised that this second complaint would be beyond the scope of what the HRA could investigate. A release was received. At the last meeting this complaint was tabled until the HRA could obtain more information. The United States Department of Education, Office of Civil Rights (USDE/OCR) did dismiss the first allegation to allow the university to address the issue and complete an investigation. After the investigation was completed, a complaint could be filed if there was disagreement with the findings. The second issue the USDE/OCR would not investigate because it did not have jurisdiction. George made a motion to not accept, the motion was seconded and carried.

11-060-9007 - Mental Health Provider - The complaint alleged that a patient had been involuntary committed to a mental health facility. The patient was unable to access the facility's advocacy system, phone numbers of advocacy agencies were not posted, and the patient was not allowed to make unimpeded private phone calls. A release had been received. A referral was made to the Commission's Legal Advocacy Services. Annette made a motion to accept, the motion was seconded and carried.

11-060-9008 - Hospital - The complaint alleged a hospital misrepresented the medical condition of a patient with a developmental disability. Numerous medication errors may have occurred. Medical records of the patient may have been destroyed. A release was received. A mandatory report to Public Health was made and accepted. Public Health has informed the coordinator that they will not investigate; instead the complaint has been referred to The Joint Commission. Sandra Kopels made a motion to not accept, the motion was seconded and carried.

11-060-9009 - 16 Bed Group Home - The complaint alleged that management at a 16 bed group home agreed to the destruction of records of a consumer, and made an agreement to not report the abuse and neglect of this individual's care at a hospital. A release has been received. A mandatory report to Public Health has been made and accepted. Public Health is investigating

this complaint. Sandra Kopels made a motion to not accept, the motion was seconded and carried.

11-060-9012 - Behavioral Health Care Hospital - The complaint alleged that a patient was not notified of his rights. The hospital limited the patient's access to third party advocacy information and the patient was not permitted to participate in his care and treatment plan. He was not allowed to exercise his right to refuse medication. He had been restrained and not given notice. The patient was not allowed to leave the facility, even though he was not a danger to himself or anyone else. He was not provided adequate treatment for his medical condition. Annette Becherer made a motion to accept, the motion was seconded and carried.

11-060-9013 - Hospital - The complaint alleged that a hospital failed to admit an individual who was a danger to himself or others and failed to provide adequate treatment. Instead of receiving treatment the individual was placed in police custody and charges were brought. He is being prosecuted. A release has been received. Sandra Kopels made a motion to not accept.

UNFINISHED BUSINESS

CASE PROGRESS REPORTS:

09-060-9010: Bradley School District - The report is in progress.

09-060-9011: Bourbonnais Elementary School District - The report is in progress.

09-060-9014: Center for Human Services - The report is in progress.

09-060-9015 & 10-060-9017 Graywood Foundation - the HRA had discussed keeping both of these cases open for at least six months to allow the HRA to fully investigate progress made by the provider. It was a general consensus that it was time to process the reports.

10-060-9005: Decatur Manor Healthcare - The report is in progress.

10-060-9011: Moultrie County Beacon - Annette Becherer will be attending a second site visit to look at evidence that this agency was struggling with providing.

10-060-9014: Campion, Barrow, and Associates - A site visit has been completed and the report is almost completed.

10-060-9004: Decatur Memorial Hospital - The report is in progress.

REPORT OF FINDINGS:
10-060-9006: Veterans Administration - The report was tabled until the next meeting.

10-060-9015: Bourbonnais Terrace - George made a motion to approve the draft; the motion was properly seconded and carried.

10-060-9016: Carle Clinic - William made a motion to approve the draft; the motion was properly seconded and carried.

CASE CLOSURES: None.

OTHER UNFINISHED BUSINESS:

ANNOUNCEMENTS AND COMMENTS

The next meeting is scheduled for March 10, 2010 at 4:00 pm, at the Brookens Building, CCRPC, John Demit Conference Room, 1776 E. Washington ST, Urbana IL 61802.

ADJOURNMENT:
Annette Becherer made a motion to adjourn at 5:36 p.m.; the motion was seconded and carried.

Respectfully Submitted

Cathy Wolf

Cathy Wolf, Recorder

EAST CENTRAL REGIONAL HUMAN RIGHTS AUTHORITY
EXCUTIVE MINUTES
January 20, 2011

Pursuant to Section 21 of the Guardianship and Advocacy Act, and Section 42 of the Open Meetings Act, the East Central Regional Human Rights Authority met in closed session at 4:14 p.m. to discuss executive meeting minutes that could be made public. The closed session was held at the State Regional Office building, 2125 S. First St. Champaign, IL.

Members Present: Mary Auth, Annette Becherer, Sandra Dixon, Sandra Kopels, Babette Leek, William McSurley, Chair Larry Phillips, and George Roth.

Members Absent: None

Staff Present: Cathy Wolf

Guests: None

Cathy Wolf apologized for not providing the executive meeting minutes for a semiannual review to determine if these minutes could be made public. Upon receiving an email from her director on 12/21/10 regarding Public Act 096-1473, she realized her error. Executive meeting minutes March 19, 2009, May 21, 2009, July 16, 2009, September 17, 2009, November 19, 2009, January 21, 2010, March 20, 2010, May 20, 2010, July 15, 2010, and September 16, 2010 were provided to the HRA for review.

Chair Larry Phillips made suggestions on how to review the volume of meeting minutes.

George Roth asked if the HRA voted to make these minutes public what about the names of individual's that worked for the providers being made public. He also stated that the closed session had to have a verbatim record.

Sandra Kopels asked do we not have any power in the future to use initials or titles, when referring to providers.

Cathy Wolf stated that all meetings except one have a verbatim recording. At that meeting the recorder was rolling but did not record the meeting.

William McSurley suggested that since there is no personal information being shared he was not sure that anyone's personal privacy was being invaded by the publication of the minutes. That since we are essentially a public body most of this information related to the public investigations should be open to the public.

Mary Auth brought up, that case information discussed, where the findings have not been made part of the public record should not be released.

Each month of the executive minutes were reviewed to determine if they could be released to the public.

The HRA returned to open session at 4:45 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act having taken no action in closed session.

Respectfully Submitted

Cathy Wolf, Recorder

EAST CENTRAL REGIONAL HUMAN RIGHTS AUTHORITY
EXCUTIVE MINUTES
November 18, 2010

Pursuant to Section 21 of the Guardianship and Advocacy Act, and Section 42 of the Open Meetings Act, the East Central Regional Human Rights Authority met in closed session at 4:14 p.m. to review confidential case information related to case progress reports, draft reports, provider responses and case closures. The closed session was held at the State Regional Office building, 2125 S First St, Champaign, IL 61820. Guests, Rena Smith, entered the closed session discussion of Case #11-060-9004 and then left the meeting. At 4:45 pm, Jon Burnet Supervising Rights Coordinator & HRA Coordinator for the Rockford region left the closed session after discussion of Case #10-060-9006. The volunteer applicants in attendance during the open session did not participate in the closed session.

Members Present: Sandra Kopels, Babette Leek, Chair Larry Phillips, and George Roth.

Members Absent: Annette Becherer and Vice Chair Mary Auth

Staff Present: Cathy Wolf and Jon Burnet Supervising Rights Coordinator & HRA Coordinator for the Rockford region

Guests: Rena Smith, the administrator from Heritage Healthcare

Case Transfer:

11-060-9004 - Heritage Healthcare - Guest Rena Smith entered the closed session discussion. She explained she did not understand why we were investigating her facility. She stated that the individual had never been in her facility as a resident or patient. She stated she had independent housing and that when the VA calls her Heritage Healthcare because that's where her office is located. HRA members George Roth, Sandra Kopels, Babette Leek, and Chair Larry Phillips asked questions about the facility ownership, case management and case planning for people who live independently, and whether services are provided under the umbrella of one name for the nursing home, the administrator's privately owned rental business or the independent living cottages. The HRA was told that Rena Smith owned all of the properties. All calls come to her at the nursing home for all of the businesses she owns. She stated that Heritage Healthcare does not provide case management and care planning for people living independently.

It was determined that there was nothing presented that would change the HRA's responsibility to conduct an investigation.

The Authority returned to open session at 4:45 p.m. having taken no action in closed session. The Authority returned to closed session at 5:35 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act to conclude confidential discussion of potential applicants, case progress, and report reviews.

The HRA applicants were discussed. Coordinator Cathy Wolf shared that she had a professional relationship with Sandra Dixon approximately 18 years ago. The competency level of volunteer applicants was discussed. It was recommended that Sandra Dixon and William McSurley be referred to the Commission for appointment to the East Central HRA. The HRA had to follow up on Shunika Brown's status as a provider which might prevent her recommendation at this time. It was decided to keep her application on file to possibly contact her when we had a provider slot open up. Both applicants from Momence, IL did not attend the meeting. One did call and state she was working. Both of these applicants either attended school in the city of Chicago and the other worked two jobs in the city of Chicago. It was the general consensus that these applicants had great qualifications but might not be a good fit for our geographical location. It was decided to refer these applicants as potential volunteers to the three HRA regions in the Chicago area. Other potential volunteers were discussed and would be invited to the next meeting.

10-060-9006: Veterans Administration (VA) There was discussion of the VA Report and letters from the VA were shared. Jon Burnet the Supervising Rights Coordinator & HRA Coordinator for the Rockford region provided a quick review and asked about a possible vote if the HRA could do a conditional approval. He explained the VA staff had stated that they are a federal versus agency, and the Mental Health Code rights in Chapter 2 did not apply. He stated that the Commission's Legal Advocacy Services had done a good job working with the VA on the commitment process. This VA admitted they follow the Code's Chapter 3 commitment process and the VA does seek petitions through Illinois courts. He thought the intention of the Mental Health Code and the General Assembly was for the VA to follow the state Mental Health Code. He stated that veterans should have the same rights that we do. He has been in talks with the VA's legal counsel Mike McFatridge who wants to discuss the report. George Roth discussed the analogy of whether federal prisons had to follow state law. Sandra Kopels shared that under the social work licensing act, social workers do not have be licensed to work for the VA. When she worked for LAS, LAS did not believe that the Mental Health Code applied to the Veterans Administration. There was discussion about conditionally approving the report that HRA members had not yet read. It was determined to wait until the next meeting to allow HRA members time to read the report.

George Roth recommended contacting the Department of Human Services legal department to see if they have rules that cover the VA regarding the Mental Health Code. Sandra Kopels shared that we might want to see what rules and regulations they have in regard to the VA.

The HRA returned to open session at 6:22 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act having taken no action in closed session.

Respectfully Submitted

Cathy Wolf

Cathy Wolf, Recorder