EAST CENTRAL REGIONAL HUMAN RIGHTS AUTHORITY MINUTES
January 15, 2013

Chair Larry Phillips opened the January 15, 2013 meeting of the East Central Regional Human Rights Authority (HRA) at 4:00 p.m. at the State Office Building, Main Conference Room, 2125 S. First Street, Champaign, IL 61820.

Members Present: Chair Larry Phillips, Vice Chair Mary Auth, Sandra Dixon, Babette Leek, and Janet Manning

Members Absent: Annette Becherer, Sandra Kopels, and George Roth

Staff Present: Cathy Wolf and Danitra Pope

Guests: Pat Ege of Cunningham Children's Home, potential HRA applicants Diana Perez, Ruchan (Jack) Li, and Varun Pilla

Chair Larry Phillips 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.

To facilitate the involvement of our guest who was present to discuss confidential details related to specific cases, the HRA went into closed session at 4:04 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act. The Authority also met in closed session to review confidential information related to case progress reports, reports of findings, responses to reports, and case closures. The Authority returned to open session at 4:13 p.m. having taken no action in closed session.

MINUTES:
Vice Chair Mary Auth made a motion to approve the November 20, 2012 meeting minutes; the motion was properly seconded and carried.

COMMUNICATIONS:
None

NEW BUSINESS

Ratifications
None

New Complaints
12-060-9015 - CILA Home - The complaint alleges that an individual living in a CILA was hit by another consumer. He had been hit by the same resident at another date. Staff at the home had given the consumer medications that had been ordered to be discontinued by his physician.

The complaint stated OIG has been called twice and has two pending cases with OIG. A release has been received. OIG has given approval for the HRA to investigate rights issues on cases that may be open with OIG, but asked that we would share the information that is gathered. The case was tabled at the last meeting.

12-060-9016 & 12-060-9017 - Both are intermediate care facilities for developmentally disabled (ICFDD) owned by the same corporation - These complaints included 6 pages regarding both ICFDD's listing 15 main complaints for the HRA to consider for investigation. The complaints are from a former complainant who is in a judicial battle over retaining co-guardianship against the other co-guardian. The facilities are supporting the co-guardian who is not the complainant and appear to be retaliating against the complainant for making a HRA complaint. Both co-guardians have either had limited access or no contact orders from the individual who has lived in these facilities by the court. Both the Director and the Chairperson reviewed these complaints with the coordinator and it was determined that there are only 3 potential complaints that could be investigated because the rest are tied to the court case regarding guardianship and/or would be out of the scope of what the HRA could investigate. The 3 possible complaints are inappropriate transfer, missing property and inadequate grievance process.

It was suggested by the Director to call the individual with the disability to ask him about the missing property, the transfer and if he wanted representation to protect his rights. When the coordinator called the individual, he stated he liked his home and he thought the staff were nice there. He did not like a particular housemate. He does have property missing and he would like an attorney to protect his rights.

The coordinator obtained a release to talk to Equip for Equality and has been in contact with an attorney from that agency. The attorney is considering providing representation for the individual in the guardianship case to protect his rights. Because of a change of guardianship, the releases obtained may not be valid. The coordinator was instructed to attempt to contact the current guardian and see if a valid release could be obtained.

13-060-9010 - Residential facility for people who have an intellectual disability - The complaint alleges that an individual with autism does not live in the least restrictive environment. The individual was punished and abused for displaying perserverative speech (sporadic speech (e.g., uttering a word or phrase once and rarely or never saying it again), rote phrases out of context (from the past or videos), nonsensical speech, and pronoun substitutions). He was not allowed to participate in going to the gym or allowed to sit with peers. He was punished by staff by having food and snacks withheld. His staff have not followed his plan of care and no autism expert has been sought per the guardian's request. He was not allowed to attend church services at the facility. He has been put in seclusion often. The staff have impeded telephone conversations with his guardian and have hung up on the guardian when she asked to speak to the individual.

There was also an allegation of the individual being raped by a peer. No incident report was made available to the guardian. The individual was denied an outing on his birthday. He was also moved to different parts of this facility without his guardian's consent. His staff retaliated

against the individual when the guardian brought the complaints to the facility. A release has been received. Vice Chair Mary Auth made a motion to open the case; the motion was properly seconded and carried.

13-060-9011 - Hospital Behavioral Health Unit - The complaint alleges that an individual receiving services was unable to obtain a copy of her rights. She has been unable to participate in her treatment plan which included discontinuing medication the individual felt she needed for her recovery and health. Psychotropic medication that the individual did not want was prescribed and the facility has sought judicial enforcement to force the individual to take the psychotropic medication.

The individual thought she was a voluntary admission, but later found out she was an involuntary admission. She was not provided a copy of the petition for going to court to make her involuntary. The staff have impeded private phone conversations with third party advocacy groups. She has been restricted from making outside phone calls. A rights restriction was given to her regarding this restriction. Allegedly a family member complained of the individual making harassing phone calls. There are allegations that the individual has not been provided medical and dental care that she needs such as foot surgery, chiropractic services, dental work and dental appliance repair. A release has been received. Vice Chair Mary Auth made a motion to open the case; the motion was properly seconded and carried.

13-060-9012 - County Mental Health Crises Team - When assessing an individual for involuntary commitment, the individual was not provided a copy of the assessment or the petition. The individual was not allowed to exercise her right to notify third parties including third party advocacy groups during the involuntary commitment process. A release has been received. Babbette made a motion to open the case; the motion was properly seconded and carried.

UNFINISHED BUSINESS

Mary Auth made a motion for the HRA to go into closed session; the motion was seconded and carried. At this time Pat Ege left the meeting. The HRA went into closed session at 4:52 p.m. pursuant to Section 21 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act. The Authority also met in closed session to review confidential information related to case progress reports and reports of findings. The Authority returned to open session at 5:27 p.m. having taken no action in closed session.

CASE PROGRESS REPORTS:

13-060-9005: Cunningham Children's Home - Site visit to be scheduled.

13-060-9007: Provena Saint Mary's Hospital - Site visit to be scheduled.

11-060-9012: The Pavilion - The report is in progress.

REPORT OF FINDINGS:

11-060-9009: Veteran's Administration - Mary made a motion to table the case to allow another HRA member to participate in the discussion of the case at the next meeting; the motion was properly seconded and carried.

12-060-9006: Crosspoint - made a motion to approve the report; the motion was properly seconded and carried.

CASE CLOSURES:
None

OTHER UNFINISHED BUSINESS:
None

ANNOUNCEMENTS AND COMMENTS

ADJOURNMENT:
Vice Chair Mary Auth made a motion to adjourn at 5:44 p.m.; the motion was seconded and carried.

Respectfully Submitted,

Cathy Wolf

Cathy Wolf, Recorder