

METRO EAST REGIONAL HUMAN RIGHTS AUTHORITY

MINUTES – April 9, 2015

The regular stated meeting of the Metro East Regional Human Rights Authority (HRA) was called to order at 7:12 p.m., Thursday, April 9, 2015 by Vice-Chair, Margaret Merrell.

This meeting was held at Developmental Disability Service of Metro East (DDSME), 2900 Frank Scott Parkway West Suite 928 Belleville, IL.

HRA Members Present: Karen Kelly, Jane Nesbit, Margaret Merrell, Beverly Sweatman and Michael Pintar.

HRA Members Absent: Christine Anderson, Andrea Frazier

Guests: None

Staff Present: Teresa Parks, Jo Ann Russell-Baum and Cathy Goebel

INTRODUCTIONS

Vice-Chair, Margaret Merrell recognized that a quorum was present. The HRA members and staff introduced themselves. New Metro East HRA Coordinator, JoAnn (Jodi) Russell-Baum was introduced. Cathy Goebel will continue to provide assistance during the transition.

Margaret Merrell, read the confidentiality statement that indicates that personally identifiable information should not be presented in public meetings in order to protect the privacy of those disabled persons on whose behalf the HRA conducts investigations.

Margaret Merrell asked for any changes in the agenda. No changes made.

MINUTES

The Minutes of the stated meetings of December 11, 2014 and February 19, 2015 were reviewed for changes. Mike Pintar indicated the need for a revision to correct the spelling of David Ballone's name. Member, Jane Nesbit made a motion to approve the December 11, 2014 and February 19, 2015 meeting minutes with corrections as noted. Margaret Merrell seconded the motion and the motion carried.

COMMUNICATIONS

Teresa Parks announced the availability of additional training through the Illinois Guardianship Association which is open to HRA Members.

NEW BUSINESS

Applicant, Lou Ruocco, arrived prior to the meeting and introduced herself, shared her background and explained her interest in the HRA. She departed before the meeting began due to getting a ride from a family member. Margaret Merrell made a motion (during the meeting) to recommend Lou

Ruocco for appointment to the Metro East HRA; Karen Kelly seconded the motion and the motion carried.

Election of New Chairperson: HRA member, Mike Pintar made a motion to elect Karen Kelly as Chairperson, given the resignation of Thomas Cannady. The motion was seconded by Beverly Sweatman. The HRA approved the motion. Karen Kelly will take on the role as chairperson until her term expires with the HRA, at which time, we will elect a new chairperson.

Ratifications – Case Acceptances

Case Acceptances for the following cases needed to be ratified as the HRA lacked a quorum at its February 02-19-15 meeting.

15-070-9014 – Alton Mental Health Center – the allegations state that the facility did not provide adequate care when the water is turned off on the female side of the Locust unit due to a recipient having issues with water toxicity. The water had been off for at least 1 ½ weeks. Water is not being provided on a regular or scheduled basis to unit recipients. Instead, recipients have to ask staff for water and it is often at the convenience of staff. Warm or lukewarm water is provided as compared to the cold water that had been previously provided via the drinking fountain. The case was accepted via emergency case opening procedures (Tom, Karen and Mike) on December 28, 2015. Mike Pintar made a motion to ratify case acceptance; Karen Kelly seconded the motion and the motion carried.

15-070-9015 – Division of Rehabilitation Services – the allegations state that the agency has an inadequate worker screening and referral process; does not provide workers with adequate training; does not adequately investigate complaints/concerns; and, does not provide an appeal mechanism. The case was accepted via emergency case opening proceedings (Tom, Karen, Jane and Beverly) on January 12, 2015. Mike Pintar made a motion to ratify case acceptance; Karen Kelly seconded the motion and the motion carried.

15-070-9016 – Caseyville Nursing Home – The complaints allege that directions from a resident's agent in a power of attorney for health care were disregarded, that the resident's right to retain her own physician was violated and the facility grievance process was inadequate. Other complaints regarding medical care and medication administration were directed to the Illinois Department of Public Health. A release has been secured. Public Health did investigate and had a finding specific to the POA agent not being notified of a medication change – it is unclear if Public Health investigated the issues presented to the HRA. The case was accepted for investigation at the 02-19-15 meeting using emergency case opening procedures. Mike Pintar made a motion to ratify case acceptance; Karen Kelly seconded the motion and the motion carried.

Ratifications – Report Approvals

The following reports were approved with revisions at the 02-19-15 meeting with Members Karen Kelly, Tom Cannady, Jane Nesbit and Michael Pintar present. An e-mail approval was secured from Christine Anderson after the meeting and the reports were sent. The report approvals must now be ratified.

14-070-9020/9024 – Alton Mental Health Center – property and visitation. Mike Pintar made a

motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

14-070-9026 – Alton Mental Health Center – reduced privileges. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

14-070-9035 – Alton Mental Health Center – property access. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

14-070-9036 - Alton Mental Health Center – external consult and treatment planning. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

14-070-9037 – Alton Mental Health Center – room/body searches and physician changes. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

14-070-9038 – Alton Mental Health Center – property access. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

15-070-9004 – Community Link – transportation aide. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

15-070-9006 – Specialized Living Center – visitation and guardianship assistance. Mike Pintar made a motion to ratify the report approval; Beverly Sweatman seconded the motion and the motion carried.

Ratifications – Case Closures

The following cases were closed at the 02-19-15 meeting with Members Karen Kelly, Tom Cannady, Jane Nesbit and Michael Pintar present. An e-mail approval of the case closures was secured from Christine Anderson after the meeting and case closure letters were sent. The case closures must now be ratified.

14-070-9018 – FAYCO – arrest. Mike Pintar made a motion to ratify the case closure and making the findings and the response, at the provider’s request, part of public record. Margaret Merrell seconded the motion and the motion carried.

14-070-9019 – Alton Mental Health Center – forced treatment. Mike Pintar made a motion to ratify the case closure, making the findings a part of the public record; Margaret Merrell seconded the motion and the motion carried.

14-070-9017 – Meridian Healthcare – confidentiality. Mike Pintar made a motion to ratify the case closure, making the findings a part of the public record; Margaret Merrell seconded the motion and the motion carried.

New Complaints:

15-070-9017 – Hospital – The complaint stated that petitions for involuntary treatment contained

false statements and discrepancies. In addition, the complaint stated that forced medication was administered without adequate justification. A release was sent but has not yet been received. The recipient also requested someone pick up documentation but when an attempt was made to pick up the documentation, the recipient refused to turn it over. Mike Pintar made a motion to table case acceptance to attempt to obtain a release; Karen Kelly seconded the motion and the motion carried.

15-070-9018 – Hospital – The complaint stated that the hospital did not provide adequate dental care for a dental implant. This was the same complaint from 2013 when the HRA had findings regarding a referral made to a dental school; a cost was secured, but there was no final determination of what action, if any, the hospital would take on the individual's behalf. The recipient is still not satisfied. The HRA had a telephone meeting on 04-01-15 with the hospital director, medical director and the clinical nurse manager. They indicated that they would once again refer to the dental school, ask for an assessment and determine what if anything could be covered. A copy of the consult will be sent to the HRA. We do have a signed release of information. Mike Pintar made a motion to table case acceptance due to an attempt to resolve the issue informally; Karen Kelly seconded the motion and the motion carried.

15-070-9019 – Hospital – complaints from multiple individuals are as follows: 1) Access to the tv and tv programming is limited (tv programming based on staff use, some recipients find news and educational programming therapeutic, the schedule only allows for watching parts of programs newspapers are not provided so the tv is only means of accessing news) ; 2) telephone access and schedule is too limited (time frames for using phones is too restrictive for the number of available phones and number of individuals on the unit – impedes ability to communicate with family and with attorneys, results in conflicts with peers); 3) Inadequate active treatment – coloring books are provided to adult patients, there are no reading materials on unit, limited exercise opportunities and patients can't exercise on unit, no radios, no rehab staff for weeks at a time; 4) there is graffiti and sanitary problems in bathroom 5) peer harassment occurs on unit. Initial communication made with hospital administration and was informed that patients are encouraged to enroll in 3 classes, patients were informed of tv and telephone schedule changes and the changes were made to facilitate active treatment with input from patients and staff, attorney access is available at any time, patients who do not attend groups/classes have alternative activities such as cards, reading, playing board games, coloring, etc., a relaxed schedule for tv programming occurs on the weekend. We have 2 releases to speak to patients. Mike Pintar made a motion to table case acceptance pending the receipt of additional information via interviews with recipients; Beverly Sweatman seconded the motion and the motion carried.

15-070-9020 – Medical Case Management Provider – the complaint alleges that the individual is not getting guaranteed medical services such as eyeglasses, meals on wheels and disposable undergarments. In addition, the case manager wants to set up hospice for the individual when she has received no information that her condition warrants hospice. The case manager also speaks to the individual in a derogative manner that makes the individual feel incompetent – suggesting that the individual needed to be taught how to dress and clean herself properly, that she was anti-social when she couldn't afford to join a senior group, etc. When the individual attempted to complain, she is told that her complaint will be forwarded to the appropriate source but nothing happens. The release was not completed appropriately so it was resent – still awaiting the return of the release. Mike Pintar made a motion to accept the complaints for investigation; Margaret Merrell seconded

the motion and the motion carried.

15-070-9021 – Hospital – the complaint alleges that a patient was inappropriately administered emergency medication over her objection, that a nurse threatens to give emergency medication over comments made by the patient and that a nurse removed and threw away items from the patient's room when the patient was in the shower. A release has been sent with no response to date. Mike Pintar made a motion to table case acceptance due to the lack of a release; Karen Kelly seconded the motion and the motion carried.

15-070-9022 – Police Dept. – the complaint alleges that the police picked up and handcuffed an individual who was experiencing emotional needs versus calling a mental health resource. Then, the police did not secure the individual in the police car resulting in the individual kicking out the windows. In addition, the police would not honor the individual's request to be taken to a VA facility; instead, he was taken to a hospital after which he was taken to the VA. A release has been secured. The HRA discussed its inability to investigate a police department. Mike Pintar made a motion to informally correspond with the Police Chief to set up a meeting to discuss training, interactions with community residents who have mental health needs and community mental health resources for referral purposes. Jane Nesbit seconded the motion and the motion carried.

15-070-9023 – Hospital – the complaint alleges that the individual was not treated properly by staff while on the behavioral health unit. Calls have been made to secure additional information without success and the HRA made contact late this afternoon; however, the caller did not have details at the time of the call. Follow-up contact will be made. Mike Pintar made a motion to table case acceptance; Karen Kelly seconded the motion and the motion carried.

OTHER NEW BUSINESS - None

UNFINISHED BUSINESS

The Authority returned to closed session at 8:25 p.m. pursuant to Section 721 of the Guardianship and Advocacy Act and Section 120/2 (c) (4) of the Open Meetings Act to discuss case progress, reports of findings and confidential case information. Mike Pintar made the motion to enter closed session, seconded by Margaret Merrell and carried by the Members present. The HRA returned to open session at 8:50 p.m. having taken no action in closed session. Closed session discussion included confidential discussion of case site visits, case progress, draft report reviews and consideration of case closures. A summary of case progress follows.

Case Progress Reports:

15-070-9007 – Alton Mental Health Center – unit restroom access, private phone access – A site visit is needed.

15-070-9008 – Adapt of Illinois – consumer accounts – A site visit is needed.

15-070-9009 – Alton Mental Health Center – property – A site visit is needed.

15-070-9010 – Madison County Jail – A site visit was held earlier today. Gene Seaman, Peoria

HRA Coordinator, is assisting.

15-070-9012 – Alton Mental Health Center – discharge planning, fitness determination. A site visit is needed.

15-070-9013 – Alton Mental Health Center – diets. A site visit is needed.

15-070-9014 – Alton Mental Health Center – unit water turned off. A site visit is needed.

15-070-9015 – Department of Rehabilitation Services – worker issues; complaint process. A site visit has been scheduled. Cathy Wolf, East Central HRA Coordinator, is assisting.

15-070-9016 – Caseyville Nursing Home – POA agent; physician services. A site visit is needed.

Reports of Findings

15-070-9002 – Alton Mental Health Center – restrictions. Mike Pintar made a motion to approve the draft report of findings; Karen Kelly seconded the motion and the motion carried.

15-070-9003 – Alton Mental Health Center – restrictions. Mike Pintar made a motion to approve the draft report of findings; Karen Kelly seconded the motion and the motion carried.

15-070-9005 – Alton Mental Health Center – restraints and medications. Mike Pintar made a motion to approve the draft report of findings; Karen Kelly seconded the motion and the motion carried.

Case Closures

14-070-9020 and 14-070-9024 – Alton Mental Health Center – property and visitation. A response to the report has not yet been received, but is expected. Mike Pintar made a motion to table case closure; Beverly Sweatman seconded the motion and the motion carried.

14-070-9026 - Alton Mental Health Center - privileges reduced. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

14-070-9035 – Alton Mental Health Center – property access. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

14-070-9036 – Alton Mental Health Center – external consult and treatment planning. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

14-070-9037 – Alton Mental Health Center – searches and physician changes. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

14-070-9038 – Alton Mental Health Center – property access. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

15-070-9004 – Community Link – transportation aide. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

15-070-9006 – Specialized Living Center – visitation and guardianship assistance. Mike Pintar made a motion to close the case making the findings a part of the public record. There was no response and none was required. Karen Kelly seconded the motion and the motion carried.

ANNOUNCEMENTS, COMMENTS and ADJOURNMENT:

The next meeting is scheduled for May 14, 2015. Jane Nesbit made a motion to adjourn the meeting at 8:55 pm. Karen Kelly seconded the motion and the motion carried.

Jane Nesbit
Secretary