

# **METRO EAST REGIONAL HUMAN RIGHTS AUTHORITY**

## **MINUTES – October 23, 2014**

The regular stated meeting of the Metro East Regional Human Rights Authority (HRA) was called to order at 7:10 p.m., Thursday, October 23, 2014 by Chairperson, Thomas Cannady.

This meeting was held at Bella Milano, 455 Regency Park, Suite A, O'Fallon, IL.

HRA Members Present: Emil Wilson, Karen Kelly, Marguerite Riley, Thomas Cannady, Christine Anderson and Jane Nesbit.

HRA Members Absent: David Ballone, Margaret Merrill and Beverly Sweatman

Guests: Mike Pintar

Staff Present: Teresa Parks, Cathy Goebel and Gia Orr

### **INTRODUCTIONS**

Chairperson, Thomas Cannady, recognized that a quorum was present. Mike Pintar and Gia Orr were introduced.

Chairperson, Thomas Cannady, 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.

The Chairperson asked for any changes in the agenda. There were none.

### **MINUTES**

The Minutes of the stated meeting of June 12, 2014 were reviewed for changes and there were none.

Emil Wilson made a motion to approve the June 12, 2014 meeting minutes; Jane Nesbit seconded the motion and the motion carried. The minutes of the stated meeting of August 14, 2014 were reviewed for changes and there were none. Emil Wilson moved to approve the August 14, 2014 minutes; Karen Kelly seconded the motion, and the motion carried.

### **COMMUNICATIONS**

Teresa Parks reminded HRA Members to submit mileage forms and ethics training forms. She also reported that hiring for the vacant HRA position is delayed due to budget constraints and the agency is waiting for grades from Central Management Services. Illinois Department of Human Services correspondence with regard to past cases that had suggestions but no substantiated findings was reviewed. New Member recruitment was discussed. Members requested that Mike Pintar consider appointment and Mike agreed. Karen Kelly made a motion to approve recommending Mike Pintar for appointment to the Metro East HRA; Thomas Cannady seconded the motion and the motion carried. The HRA reviewed an application for another potential Member who could not attend tonight's meeting, and Cathy Goebel identified another interested candidate.

## **RATIFICATIONS**

Thomas Cannady made a motion to ratify the following action items that were approved at the August 14, 2014 absent a quorum but received follow-up telephone votes as allowed per HRA mandates (59 Ill. Admin. Code 310.50, 310.70); Marguerite Riley seconded the ratification vote and the motion carried. Items ratified included the following:

Ratification of case non-acceptance: 15-070-9001 – Sheltered care facility.

Ratifications of case acceptance: 15-070-9002 – Alton Mental Health Center; 15-070-9003 – Alton Mental Health Center; 15-070-9004 – Community Link; and 15-070-9005 – Alton Mental Health Center.

Ratification of report approval: 14-070-9027 – Meridian Health Care.

Ratification of case closures: 14-070-9014 – Alton Mental Health Center; 14-070-9017 – Behavioral Health Alternatives; 14-070-9025 – Alton Mental Health Center; 14-070-9029 – Alton Mental Health Center; 14-070-9032 – Alton Mental Health Center; and 14-070-9034 – Touchette Hospital.

## **NEW BUSINESS**

The following new cases were reviewed for acceptance:

**15-070-9006 – DD Residential Provider** – a resident is not able to leave with family for overnight visits like he has had in the past because the provider does not want to lose money; instead, the family, who lives out of state, must bring the resident back on the same day. In addition, the complaint states that the provider is not assisting in providing the family with needed information to pursue guardianship. HRA information and a release have been provided with no response to date. Karen Kelly made a motion to accept the case for investigation; Emil Wilson seconded the motion and the motion carried. Christine Anderson abstained due to a possible conflict of interest and until the provider identity could be confirmed.

**15-070-9007 – Mental Health Hospital** – The complaints state that the bathrooms on a particular unit were kept locked for a couple of days and recipients had to ask staff to access the bathrooms. In addition, a recipient could be heard being physically dragged to the shower and staff bragged about the incident later. Finally, the complaint states that staff listen in on the phone and disconnect calls; the HRA staff were listening to the caller explain about the incident involving the recipient being dragged to the shower and just when the HRA asked if the caller could identify the involved staff, the phone was disconnected. The HRA called back and the caller would not provide any additional information. The HRA contacted OIG about the allegation of staff dragging a recipient to the shower. The HRA also contacted facility administration about all the issues. The facility director reported that the patient named in the shower incident was interviewed and did not report the same as the caller but said staff were helping her to the shower. With regard to the phone system, the director reported problems with the phone calls being disconnected and it was being checked out. The director stated that staff cannot tap into the patient line but could potentially tap into calls that come to the nurses' station and are transferred to the patient line. With regard to restroom use, the director reported that the bathrooms were locked due to a recipient stuffing the toilets but the bathrooms are no longer locked. Jane Nesbit made a motion to accept the case for investigation; Marguerite Riley

seconded the motion and the motion carried.

**15-070-9008 – Community Mental Health Provider** – The complaint states that the provider, who serves as a consumer’s representative payee, refuses to provide the consumer with bank statements. A release has been sent but not yet obtained although one is expected. Marguerite Riley made a motion to accept the complaint for investigation; Emil Wilson seconded the motion and the motion carried.

**15-070-9009 – Mental Health Hospital** – The complaint states that a recipient has been denied certain types of property and the validity of the rationale is questioned, including being denied bedding that is not flame retardant when state-issued bedding is also not flame retardant, being denied a “PSP” because it was tampered with when the wifi chip was removed to make it contraband-compliant, and being denied headphones when an effort was made to obtain the safest headphones. The complaint also questions if property denials are being applied consistently across facility units. A release has been sent to the recipient with no response to date. Emil Wilson moved to accept the complaint for investigation; Thomas Cannady seconded the motion and the motions carried.

## **OTHER NEW BUSINESS**

**Election of Officers:** Due to the absence of a quorum at the June and August meetings, the election of officers was delayed until this meeting. Karen Kelly made a motion to approve the following slate of officers: Thomas Cannady – Chair; Margaret Merrell – Vice-Chair; and Jane Nesbit – Secretary. Emil Wilson seconded the motion and the motion carried.

**Community HRA:** Gia Orr described plans to develop the community HRA to address macrosystemic issues being encountered by regional HRAs, network with other agencies that serve persons with disabilities, and enhance public awareness of the HRA. A matrix of systemic rights issues has been developed.

## **UNFINISHED BUSINESS**

The Authority went into closed session at 8:56 p.m. pursuant to Section 721 of the Guardianship and Advocacy Act and Section 42 of the Open Meetings Act to discuss case progress, reports of finding and confidential case information. Marguerite Riley made the motion to enter closed session, seconded by Karen Kelly and carried by the Members present. Guest, Mike Pintar, left the meeting. The HRA returned to open session at 9:12 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:**

14-070-9018 - FAYCO – arrest. A site visit is complete. Records and other information are being pursued although there have been delays.

14-070-9019 - Alton Mental Health Center - forced treatment. The site visit is done and the case is ready for a report.

14-070-9020 – Alton Mental Health Center – property and visitation. A site visit is to be scheduled.

14-070-9024 - Alton Mental Health Center mail/property. A site visit needs to be scheduled.

14-070-9026 - Alton Mental Health Center - privileges reduced. A site visit has been completed and the case is ready for a report.

14-070-9035 – Alton Mental Health Center – property access. A site visit has been completed and the case is ready for a report.

14-070-9036 – Alton Mental Health Center – external consult and treatment planning. A site visit has been completed and the case is ready for a report.

14-070-9037 – Alton Mental Health Center – searches and physician changes. A site visit has been completed and the case is ready for a report.

14-070-9038 – Alton Mental Health Center – property access. A site visit has been completed and the case is ready for a report.

15-070-9002 – Alton Mental Health Center – restrictions. A site visit is needed.

15-070-9003 – Alton Mental Health Center – restrictions – A site visit is needed.

15-070-9004 – Community Link – transportation aide – A site visit is needed.

15-070-9005 – Alton Mental Health Center – restraints and medication – A site visit is needed.

### **Reports of Findings**

14-070-9002 - Wellsprings of Jerseyville - Karen Kelly made a motion to approve the draft report with revisions; Marguerite Riley seconded the motion and the motion carried.

14-070-9011 – Alton Memorial Hospital – Karen Kelly made a motion to approve the draft report; Marguerite Riley seconded the motion and the motion carried.

14-070-9022 - Wellsprings Resources (Alton) – Karen Kelly made a motion to approve the draft report; Marguerite Riley seconded the motion and the motion carried.

14-070-9031 – South Central Transportation – Karen Kelly made a motion to approve the draft report; Marguerite Riley seconded the motion, and the motion carried.

### **Case Closures**

Case #14-070-9027 – Meridian Health Plan - Thomas Cannady made a motion to table case closure pending a revised report; Christine Anderson seconded the motion and the motion carried.

### **ANNOUNCEMENTS AND COMMENTS:**

The Members discussed the meeting schedule for next year and agreed to continue to meet the 2<sup>nd</sup> Thursday of each month at 7 p.m. at the offices of Aubuchon and Cannady. The Members also agreed to cancel the November 13, 2014 meeting since the October meeting was held so late in the month and to allow for more time to complete needed site visits and reports. In addition, Members had scheduling conflicts in November. The next meeting is scheduled for December 11, 2014.

Thomas Cannady presented outgoing Members, Emil Wilson and Marguerite Riley, with Certificates of Recognition for their years of service to the HRA. Their terms expire at the end of October. Emil Wilson thanked the group for the experience and the opportunity to work with the group on behalf of persons with disabilities.

Marguerite Riley made a motion to adjourn the meeting at 9:20 pm. Emil Wilson seconded the motion and the motion carried.

Marguerite Riley  
Secretary