

How the Illinois Human Rights Authority Assists In Maintaining Rights

Presented by Gene Seaman,
Illinois Human Rights Authority

Meet the Presenter



Gene Seaman, HRA Managing Administrator, Southern Regions
Illinois Guardianship and Advocacy Commission

Presentation Overview

This presentation will:

- Explain about the Illinois Guardianship and Advocacy Commission
- Describe the Mission of the Human Rights Authority (HRA)
- Explain how the HRA can assist with retaining rights
- Give examples of cases and outcomes

Rights violation

Jason receives special education services at his local high school. The school determined that Jason must graduate and leave the school at the age of 19 regardless of discussions and determinations made by Jason's team and written into his IEP (Individual Education Plan).

Rights violation

Barbara attends Community Day Services and is having her personal cell phone taken away because the staff think that she is using the phone too much and not working or participating in classes. Staff only returns the phone to Barbara every two hours for 10 minutes.

Rights violation

Alex lives in a CILA (Community Integrated Living Arrangement). Alex doesn't like or agree with the house rule about residents having their door open whenever they were alone in their room.

After multiple complaints, Alex was told by staff that if he did not stop questioning the rule, he could find a new place to live.

Rights violation

Sally is a patient in a psychiatric hospital unit. Sally has had staff force her to take medication even though she tells them all the time that she doesn't want to take it and it makes her sick.

Guardianship and Advocacy Commission - 1

The Illinois Guardianship and Advocacy Commission (GAC) was created in 1979 with the passage of the Guardianship and Advocacy Act

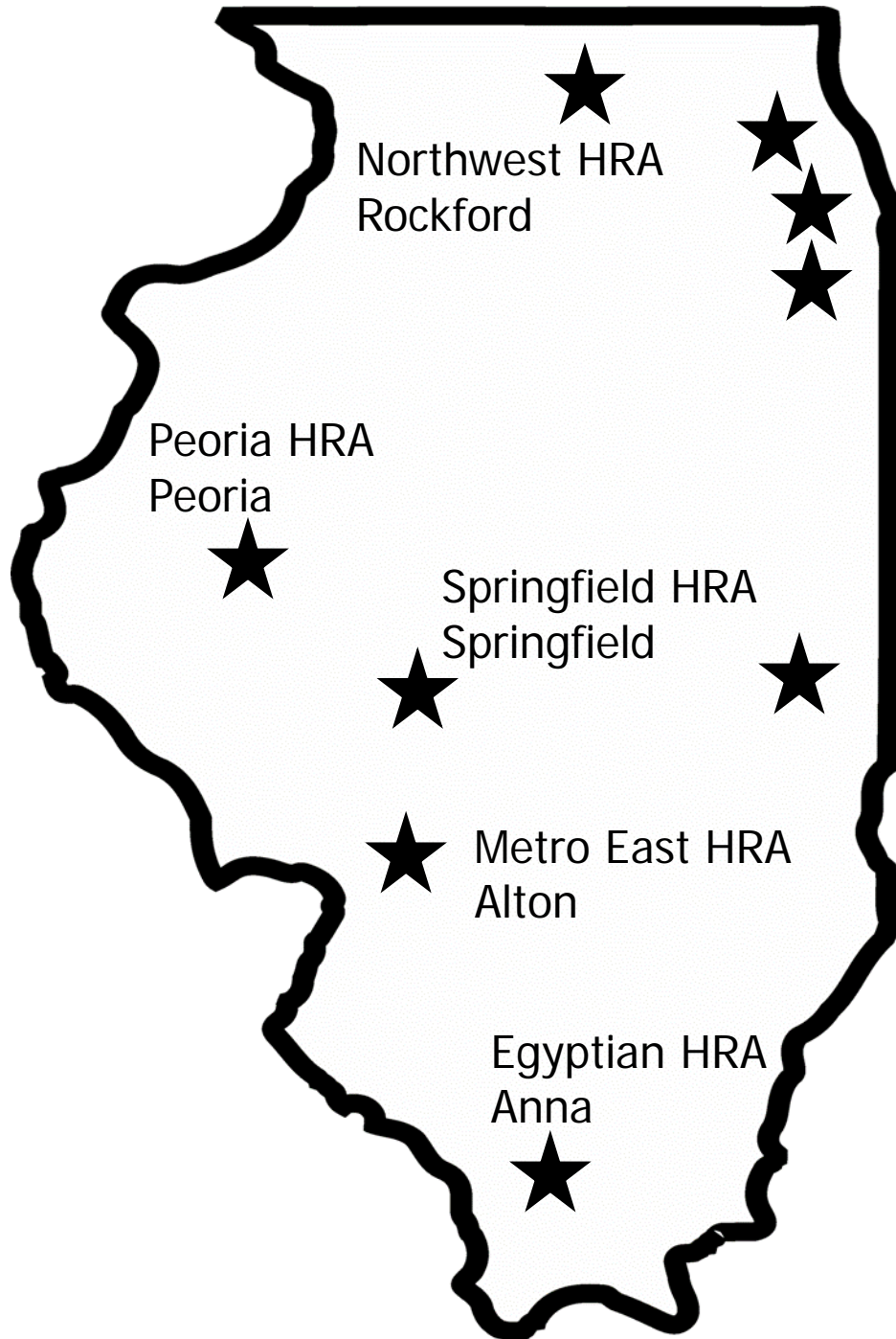
“To Protect the Rights of Persons with Disabilities”



Guardianship and Advocacy Commission - 2

- There are 9 Primary Offices located across the State

- The GAC consists of 3 Programs:
 - The Office of State Guardian
 - The Legal Advocacy Service
 - The Human Rights Authority



Northwest HRA
Rockford

Peoria HRA
Peoria

Springfield HRA
Springfield

Metro East HRA
Alton

Egyptian HRA
Anna

North Suburban
HRA &
Chicago HRA
Chicago

South Suburban HRA
Chicago

East Central HRA
Champaign

Human Rights Authority (HRA)

The mission of the HRA is “To safeguard the rights of persons with disabilities under the Guardianship and Advocacy Act”

- HRA Overview:
 - Consists of 9 Regional panels
 - Covers the entire state
 - Promotes systemic improvement to disability rights protections

Regional Panels

- Regional Panels consist of a board of volunteers who are the decision makers for the complaints
 - Acceptance
 - Finding(s)
 - Resolution
- The board also participates in the site visit investigation

Investigations

Making a Complaint - 1

A complaint of an alleged violation can come to the Authority from any source:

- Persons with disabilities
- Family Members
- Service providers
- Facility staff
- Guardians
- Concerned citizens
- HRA initiated
- Anonymously

Making a Complaint - 2

A complaint can be made by letter, telephone, on-line at the GAC website or a personal presentation before the Regional Authority at one of its public meetings

The complainant's identity remains confidential

The service recipient's identity is not disclosed in any public records and is only shared with the service provider if there is a release

Making a Complaint - 3

HRA Complaint Criteria:

1. A disability rights violation
2. Involves a person with a disability
3. Done by a disability service provider

The HRA will not investigate:

- Frivolous complaints
- Complaints beyond the HRA's scope
- Allegations of abuse and neglect

Service Providers that Can Be Investigated

An entity, in whole or part, that provides services to eligible persons

- Hospitals
- Psychiatric Units
- Special Education Programs
- Nursing Homes
- CILAs
- Vocational Programs/Community Day Services

The HRA would not investigate entities that are not service providers such as retail businesses (clothing stores, restaurants, banks, gas stations, movie theaters, etc.)

Examples of Issues the HRA Would Not Investigate

The “right” to smoke in a facility

Complaints about a given diagnosis

Complaints about the type of medication prescribed

Complaints that are not disability related

How Does the HRA Investigate?

1. A site visit is done

- This is an opportunity for the HRA to see the facility and to ask further questions as well as gather more evidence. The HRA can interview anyone who might have information about the issue.

2. Research is Done

- Review of records, review of rules or laws that are alleged to have been violated

3. Look at any evidence or information gathered

How Does the HRA Report Findings?

If a report is accepted, it can be accepted with **UNSUBSTANTIATED** or **SUBSTANTIATED** findings.

A report will be sent to the service provider.

The service provider will have 30 days to respond back to the HRA.

Unsubstantiated Findings

There isn't enough evidence or information that rights have been violated.

Even if there are no findings, the HRA can make suggestions and send them to the service provider

Substantiated Findings

There is evidence or information that rights have been violated.

The provider must tell the HRA what actions they will be taking regarding the recommendations. The provider can tell the HRA if they disagree.

Providers Response

- HRA may determine that the rights violation has been resolved
 - The Authority votes to close the case
 - Notice of the final report and case closure will be sent to the complainant and provider and the report will become public, including the provider response if requested.
- HRA may decide that the response does not indicate that the alleged violation has ceased and can go into a negotiation phase with the provider

HRA is NOT an enforcement agency

Know Your Rights!



Rights Living in a Community Integrated Living Arrangement (CILA) - 1

Residents are able to present grievances (59 II Admin Code 115.250)

Residents can only have services terminated if the home cannot meet their medical needs, if the resident's behavior puts themselves or others at risk for danger, if the resident wants to transfer or the resident no longer needs services. (59 III. Adm. Code 115.215)

Direct care employees must show that they know all the areas of training which includes, behavior management, abuse, neglect and unusual incident prevention, and handling and reporting and individual rights (59 II Admin Code 115.320)

Rights Living in a Community Integrated Living Arrangement (CILA) - 2

The CILA should keep a written record of ALL money spent involving residents and all access of that record to the individual/guardian

The CILA should provide a written statement of all money spent involving the resident's funds or a copy of the resident's check or savings account for the period quarterly

The CILA should deposit any funds over \$100 into an interest-bearing account

The CILA should keep money from the resident in an account separate from theirs for safekeeping (210 ILCS 135/9.1)

Rights When Receiving Psychiatric Services - 1

When patients receive services they should be provided with adequate and humane care, in the least restrictive environment and should follow their services plan. The recipient can partake in the plan as well as the guardian or anyone else the recipient wants as long as it is in writing. (405 ILCS 5/2-102)

When receiving services the patient can have private, uncensored and unimpeded communication with whoever they want and they can communicate by mail, telephone or by visiting. (405 ILCS 5/2-102)

Rights When Receiving Psychiatric Services - 2

The facility has to tell the patient that they can refuse the treatment and services that the facility wants to provide you. (405 ILCS 5/2-107)

If someone ever restricts a patient's rights, they have to provide the patient a notice that explains why the rights were restricted and the patient's guardian needs a copy of this notification as well (405 ILCS 5/2-201)

Rights When Receiving Special Education Services

If a student is suspended for more than 10 days, the IEP team must meet to determine if the student's disability is the main cause for the incident that caused the suspension (23 II Admin Code 226.410)

A copy of "Procedural Safeguards" must be provided to a parent when requested (34 CFR 300.504)

A school district must provide a parent written notice of an IEP meeting no later than 10 days before the meeting (26 II Admin Code 226.530)

HRA Investigation Example

The complaint states that an individual using a wheelchair attempted to board a bus and was not allowed on. The complainant stated that the individual was told by the bus driver that the bus lift did not work. The complaint states that the lift did work but the bus driver just did not want to manually open the lift so that the rider could get onto the bus. The bus rider with the wheelchair reportedly has to go to the bus barn to be able to ride an accessible bus.

The complaint states that this happens 2 to 3 times a week and has happened over the last 4 years.

The Finding - 1

ADA Regulations

“(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.”
(28 C.F.R. § 36.211)

The Finding - 2

ADA Regulations

"(a) General. All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location." (36 CFR s 1192.23)



HRA Investigation Example

The guardian of a person who lives at a skilled nursing facility requested that the person get milkshakes or chocolate milk at lunch; the person hasn't been eating and is losing weight.

The complaint states that the skilled nursing facility said they only serve milk at breakfast and dinner to save money.

The skilled nursing facility did give the person milkshakes or chocolate milk at lunch but didn't give other people milk at lunch.

The Finding - 1

“...develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to meet the resident's medical, nursing and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative as applicable”
(77 Ill. Admin. Code 300.1210)

The Finding - 2

The Federal regulations also state "A facility must care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life ... (b) Self-determination and participation. The resident has the right to-- (1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care; ... (3) Make choices about aspects of his or her life in the facility that are significant to the resident." (42 CFR 483.15).

Resources

Toll-Free Intake: 866-274-8023

Toll-Free TTY: 866-333-3362

Regional Office Numbers:

- Chicago and South Suburban HRA's 708-338-7500
- North Suburban HRA 847-294-4264
- Northwest HRA (Rockford) 815-987-7227
- Peoria HRA 309-671-3030
- Springfield HRA 217-785-1540
- East Central HRA (Champaign) 217-278-5577
- Metro East HRA (Alton) 618-474-5503
- Egyptian HRA (Anna) 618-833-4897

Inbox - krescenebeck@gmail.com x GAC x

https://www2.illinois.gov/sites/gac/Pages/default.aspx

Apps ICDD Illinois Self Ad... ICDD Illinois Self Ad... DisABILITY Series - ...

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IGAG
Illinois Guardianship and Advocacy Commission

IF YOU NEED ASSISTANCE OR INFORMATION FROM ANY OF OUR PROGRAM DIVISIONS, PLEASE CALL THE NUMBERS BELOW

STATEWIDE GENERAL INFO:
[1-866-274-8023](tel:1-866-274-8023)

INFO For Out-of-State Callers:
[1-708-338-7500](tel:1-708-338-7500)

STATEWIDE TTY:
[1-866-333-3362](tel:1-866-333-3362)

Created in 1979, the Illinois Guardianship and Advocacy Commission protects the rights and promotes the welfare of persons with disabilities. A board of eleven Commissioners, who serve without compensation, govern the agency. The Commission is an executive state agency created to safeguard the rights of persons with disabilities. By providing legal representation, investigating complaints of rights violations and providing state guardianship for Illinois' population with disabilities, the Commission has given voice to those who have previously gone unheard.

Event Links Below:

[Save for a person with blindness or disability. \[Read More\]](#)

[Commission Public Hearing](#)

Get Covered Illinois

- Office of State Guardian
- Legal Advocacy Service
- Human Rights Authority
- Human Rights Volunteer
- Volunteer Guardianship Program
- Disability Rights Complaint
- Publications
- Guardianship Training

RED TAPE

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Illinois Guardianship & Advocacy Commission

Office of State Guardian *OSG*

Legal Advocacy Service *LAS*

Human Rights Authority *HRA*

Supporting Illinois' citizens with disabilities



Illinois Guardianship and Advocacy Commission

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Recommended by 1 person



★★★★★

January 23, 2017



★★★★★

October 9, 2013

Do you recommend Illinois Guardianship and Advocacy Commission?

Yes No

See All

Photos

PROGRAM INFORMATION AND PRESENTER BIO
Early Release of Program "Registration On The Move" The United States has a long history of...
Registration Fee: \$13 (one family member), \$22 (per adult)
*Financial aid is available for "family members" but not for non-family members.
*Financial aid is available for "family members" but not for non-family members.

Registration Form
13th Annual Family Conference
April 6, 2019 • Peoria, Illinois

3.0 out of 5 : Based on the opinion of 2 people

Community

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Questions? Comments?

Should you have a question after the presentation, please contact me at 309-671-3044 or gene.seaman@illinois.gov