

This Issue

Note from Dr. Mary L. Milano, IGAC Director

Page 1

Commission Overview

Page 1

HRA Case Spotlight – Behavioral Unit

Page 2

HRA Case Spotlight – College Program

Page 3

Special Education Initiative

Page 4

Special Shoutout for COVID Services

Page 5

BOMBAS

Page 5

Partners in Policy Making Program

Page 6

Memorial

Page 6

Shout Out to OSG from Kendra Moses

Page 6

Call for HRA Volunteers

Page 7

Note from Dr. Mary L. Milano, IGAC Director

The last year, as we all have experienced it, was a year like no other in most of our memories. The virus, social isolation, political acrimony and economic pressures all took their collective toll. And as the year progressed, it became older, but certainly not kinder. The coming of vaccines held promise, but also prompted skepticism. We learned new phrases that we all wish we did not have to learn – “positivity rates,” “essential and non-essential” – adjectives applied to people now and not possessions, and “excess deaths.” As a cold wave spread across the region over the Christmas holidays, impacting so many of those we serve and those that have remained in need but unknown, I was reminded, and moved to quote in a letter to staff, of a couplet from the Cristina Rosetti poem (In the Bleak Midwinter) . . . earth stood hard as iron, water like a stone.

Through all of this, our staff continued to work, finding new ways of reaching out, of making contact, of bringing the persuasive forces that flow from the possibility of greater dignity, expanded personal growth and the recognition of the rights of each person and all persons that strengthens the whole, to bear on the ways in which those with disabilities are truly seen, heard and served. In this newsletter you will once again see the ways in which a dialogue is created by the voices of those with disabilities and our staff and HRA members that tests assumptions, shatters walls and recognizes the human person and spirit that flows in all of us. You will hear and see that human rights grow in that dialogue among persons, where abilities and differences inform each other to the eventual end where how we approach service is so informed by those whom we serve, that we, and the communities in which we work, are the ones who in the end are in fact served, changed and empowered.

In the end, that is the goal, isn't it? And if we progress toward that end we do in fact affirm that neither earth nor stone, or attitudes or practices are immutable or impenetrable. It just takes hearts, minds and hands to be open and joined together to break them and to rebuild until the goal is stronger than the obstacles. And that is part and parcel of what HRA does and who it and the whole community of its clients and constituencies are.

Commission Overview

Created in 1979, the Illinois Guardianship and Advocacy Commission protects the rights and promotes the welfare of persons with disabilities through three agencies, Legal Advocacy Services, Office of State Guardian, and the Human Rights Authority.

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.

Hospital Behavioral Unit

This case spotlight summary is based on a report created by the HRA and the response from the individual facility. This case has been voted on by the regional HRA to be made part of the public record.

The North Suburban Regional HRA received a complaint regarding a hospital behavioral health unit in the region. The complaint states that the patient was involuntarily hospitalized for an extended time without having a commitment hearing and although he needed court ordered medications, his physician could not be bothered with filing paperwork. The patient was given emergency injections during his stay, one of which was said to cause bleeding. He reportedly used the blood to write on the wall of his bedroom and it was not discovered until the next morning despite the patient being under close observation. In reviewing the patient records, hospital policy, and interviewing hospital staff, the HRA discovered that the facility policy complies with Mental Health and Developmental Disabilities Code procedural requirements for adult patients, which, in summary, calls for the completion of a petition with asserted need of hospitalization, a first certificate with clinical observations within twenty-four hours of detention on the petition, a second certificate within twenty-four hours of admission and then timely filing of those documents in court. Hearings are to be set within five business days of the filing and continuances are allowed (405 ILCS 5/3-600 et seq.). Medication petitions may be filed any time after a patient



has been given an opportunity to provide informed consent and objects, lacks decisional capacity or exceeds seventy-two business hours of emergency medications. Hearings are to be set within seven days of filing and continuances are allowed. (405 ILCS 5/2-107; 107.1). Contrary to the complaint, the hospital did in fact file admission and medication petitions accordingly and hearings were scheduled. During the HRA interviews, the staff explained their frustrations with the legal handling of this case. They said the patient was quite ill and had been admitted for threatening his family with weapons. He refused to sign voluntary papers so there was no option but to seek an involuntary admission and he was too at risk for discharge. There were many hearings, but the case was never actually heard; they kept being continued. The state's attorney appeared to want another evaluation however the selected provider would not spend the two hours needed to do one. The hospital sought help from a private attorney and at some point, a new judge and state's attorney were appointed but to no avail. The HRA

reviewed the records and discovered multiple continuances for the commitment hearing which also included court ordered medication. The HRA determined that the numerous continuances were at the attorneys' and judge's discretion as the hospital strived to respect the patient's right to have his day in court, and not violate it.

Regarding the complaint about emergency injections that caused bleeding, there was documentation that the patient had used blood that he said was from an injection to draw on the wall of his room. This was said to have occurred during a close observation with 15 minute checks. The HRA questioned how a bloody drawing could be missed when staff ensure adequate lighting and face to face observation close enough to verify respirations every fifteen-minutes, pursuant to his order for suicide precautions. The HRA determined there is no telling how long the patient went through the night without nursing attention for his injury until it was noticed on rounds that morning, and there is no documented indication that the incident was appropriately reported to his physician, all a negligence of his personal care and maintenance and a violation of his protection rights under the Code (405 ILCS 5/2-102a, 405 ILCS 5/2-112; 1- 117.1) and the hospital policy. The hospital agreed to re-training staff in 15 minute checks and the thoroughness involved to assure patient safety as well as training in the requirement to alert physicians regarding injury.

College Program

This case spotlight summary is based on reports created by the HRA and the response from the individual facility. This case has been voted on by the regional HRA to be made part of the public record.

The Northwest regional HRA received a complaint regarding a college program at a university. There were two separate complaints brought to the HRA. In the initial complaint, a student was previously given various classroom and exam accommodations that included allowable breaks, extra time and flexible attendance. A professor allegedly questioned the validity of the accommodations and requested documented proof, after which accommodation requests were still not honored. The student reportedly filed a complaint through the Disability Resource Center (DRC) office, in which that investigation found one professor at fault. The subsequent complaint occurred when the student withdrew from four classes during the appropriate time frame and the university allegedly did not reimburse the student a full tuition payment. The HRA reviewed records, policy and spoke with staff at the university. The staff provided a general outline of the process that students go through when requesting services and accommodations for their academic career. The process goes as follows: 1) student needs to register with the DRC, 2) meet with an access counselor, 3) have a discussion with the access coordinator to decide which accommodations are appropriate,

what accommodations were afforded in the past and if those accommodations are still viable, 4) review the documentation, 5) generate a letter of accommodation specifically directed towards each class (this letter informs the professor of the student relationship with the DRC and what is needed in each class to be successful), 6) student communication with each professor is to occur, including the provision of the accommodation letter, so implementation can occur. The accommodation can be given to the professor anytime during the



course of the class; students are not supposed to negotiate with teachers, especially if there are discrepancies or misunderstandings (if the professor is still not on board with the accommodation, the student can reach out to their access counselor, so a conversation with DRC representation is had). All accommodations must be mutually agreed upon between the professor/teacher and the student, (i.e., an example would be if the student needs extension of time to complete assignments and test, both parties need to find mutual ground on the amount of time allotted). The letter of accommodation stresses that an

accommodation is not effective until the student has provided the document to the professor, there has been a discussion between the student and the professor and both parties have mutually agreed on the accommodations that are appropriate for that particular class.

If there are times when a student receives pushback from teachers/professors regarding the accommodations, this is when the DRC will step in to ensure that a student's accommodations are followed. If, for whatever reason, the pushback continues with a particular staff or faculty member, the personnel from the DRC works with the student to support the student and ensure the accommodations are doable. If there is continued resistance from the professor or teacher, the DRC staff can pursue legal action under the Americans with Disabilities Act (ADA).

The HRA reviewed section 504 of the Rehabilitation Act of 1973, which states that a public university is banned from discriminating against an individual who has been deemed "qualified" through any program or activity that is offered, due to the university receiving various forms of federal financial aid. The university has a specific department dedicated to students with a disability to assist them in maneuvering the college experience, learning environment and to ensure that the students become successful. It was difficult to determine if the student's accommodations were disregarded or

Continues on page 4

HRA Case Spotlight

College Program continued from page 3

not, because there was no documented in-house complaint paperwork. Based on the site visit interview with the staff of the university and specifically the director of the DRC, the impression is that the university personnel work to ensure that students needs are addressed appropriately and timely; also the DRC gave the impression that advocating for students to be successful with limited barriers is top priority.

Regarding the tuition, the student's reimbursement for both semesters (Spring 2018 and Fall 2018) were completed and approved. The issue was the time frame in which the

reimbursements was completed. Although both requests were submitted around the same time, for the Spring 2018 request the student did not provide the required documents timely which delayed the reimbursement. Staff worked with the student and ensured the paperwork had the correct information listed, by inputting that information. After continued communication from the university to the student in requesting the "licensed provider medical form" and supporting documentation, once received, the university worked diligently to process and issue the reimbursement; thus, the complaint is unsubstantiated. Per the University's reimbursement policy, personnel from

the school followed the procedures: the student can appeal up to a year past the term from which they withdrew; the student must notify their respective program department regarding the appeal; the student must complete the "appeal for exception reimbursement form"; and, the medical provider must complete "licensed provider medical documentation form". Once all forms are received, reviewed and are determined appropriate, the reimbursement can be returned; this process occurred in both appeals for reimbursement. Because there were no findings, the university did not have to respond to the HRA's findings and chose not to respond.



Special Education Initiative

Through monitoring cases and speaking with the public, it was determined by the IGAC that an initiative developed by the combined efforts of the HRA and LAS was needed to assist parents with special education needs, with an approach that those familiar with the HRA will find familiar -- minimizing or eliminating cost to and technical hurdles for, individuals with needs, supporting citizens in interacting with systems, looking at non-confrontational processes and timely results that can impact a child and a school or a district. Over a three year period HRA and LAS staff received extensive training in Special Ed law and procedures at the nationally recognized Institute of Special Education Advocacy Training at William and Mary College, with additional staff accepted into the program for January. Staff members also participated in "train the trainers" programs through the University of Illinois. IGAC staff have now in turn provided more than 25 individuals in the Peoria, Egyptian and East Central Regions with enhanced Special Education Advocacy Program. In addition, positions were developed after consultation across programs and the Executive Team for an HRA Special Education Coordinator, a program dedicated LAS attorney



and a paralegal/advocate to assist parents and families as well as students in SPED programs in maintaining their rights and services. It was also decided that Peoria would be a pilot for this program, but the initiative would be able to answer questions and provide training and support across the state, not only to potential advocates but to educate school and school district administrators and board members in ways to support the provision of services not only as required by law, but in ways that are sensitive and responsive to student and human needs. If systemic issues need addressed, the regional HRAs will still have responsibility for investigations.

In the last months, two major steps have been taken to make this program come alive -- hiring Laura Hart as the

Continues on page 5

**Special Education Initiative
continued from page 4**

HRA Special Education Coordinator and Kelly Franklin as the paralegal for the program. Laura worked previously as the HRA Coordinator for the East Central region and prior to that, has experience in the development and training of programs for Department of Children and Family Services. Kelly has 21 years experience as a paralegal for a firm in Kewanee.

In addition, interaction with Chicago Public Schools has been initiated with a presentation about the Commission for special education staff. Commission staff also gave a presentation to a CPS parent group on pending legislation on supported decision-making. More outreach will be

pursued in the coming year. And there is more to come! There is a web page in progress and the hiring of SPED attorney is under way, along with programmatic plans for assisting in IEP meetings, provisions of special education legal services and other developments based on the needs of the students in special education programs. From its inception, this project has been a collaboration of the entire agency and crossed divisions with multiple supports. The agency is excited that this program is coming to fruition to serve the state.

More will be released as this program develops but should anyone have questions regarding special education issues, please contact Laura Hart at 309-671-3032 or email at laura.hart2@illinois.gov.



Special Shoutout for COVID Services

The Advocate Quarterly would like to present a special shoutout to the IT (DoIT) staff working with the Illinois Guardianship and Advocacy Commission, Greg “Fletch” Fletcher and Chase Roof. Due to COVID spiking across the US, the agency found itself in a work experience that they had not previously encountered in April 2020. Not only did the agency adapt to the “New Normal” work space of home, but the agency was able to provide uninterrupted services to Illinoisans across the state. Fletch and Chase worked tirelessly to assist staff to get up and running at home and to provide training and information needed for staff to be successful in their working conditions. New programs were tested, tools were procured, quick start guides were created and staff were trained in teleconferencing software that they may have never even used before. Thank you to both Fletch and Chase for the collective efforts in assisting with a change the agency never saw coming, all the work was appreciated and worth the effort as we can continue to advocate.



BOMBAS

The GAC would like to thank LAS attorney Matt Davison for his work with BOMBAS.

BOMBAS was founded on the philosophy of donating socks to those in need, but has evolved to go deeper into the community. BOMBAS donates one article of clothing for every article of clothing that they sell. BOMBAS exists to help support the homeless community, and to bring awareness to an under-publicized problem in the United States. They have donated 43,382,086 articles of clothing so far. Matt was able to obtain donations of good quality black crew socks from BOMBAS for OSG wards. Matt stated that last year, Ann Krasuski came across this program and was able to get thousands of socks shipped to recipients at Chicago-Read. This year, BOMBAS offered to partner with IGAC again and we eagerly agreed so that more socks could arrive for recipients at Madden and for our OSG clients. BOMBAS also arranged to hold onto this shipment until winter was approaching, so we could maximize our impact. We received approximately 3,000 pairs of socks this year. In an email, Matt stated “We are hopeful that next year will bring a third consecutive shipment. If anyone would like to send specific thanks to BOMBAS, please send it my way and I will make sure our giving partners at BOMBAS receive your message.”



Partners in Policy Making Program

Two Human Rights Authority Staff, Jodi Russell-Baum and Laura Hart, graduated from the 2019-2020 Partners In Policymaking® Program in August 2020. Partners is a yearlong leadership training program designed for adults with developmental disabilities and parents of school age children with developmental disabilities. Partners teaches leadership skills, and the process of developing positive partnerships with elected officials and other policymakers who make decisions about the services that students and their families use. During this year’s program Jodi and Laura received in person and online training on Disability History, Inclusive Education & Life Long Learning, Assistive Technology, Supported Living, Person-Centered Planning, Service Coordination and Self Direction, Self-Advocacy, Medicaid, Supported & Customized Employment, and IL Legislation and Policymaking. Both Jodi and Laura had special projects that they were to work on during the program but both were limited due to the pandemic. Laura created a PowerPoint dealing with school restraint and seclusion but has not been able to use it as an advocacy tool and Jodi began a Selective Mutism Parent Support Group in the Metro East Area. Because of the pandemic, the complete group was never able to meet in person but Jodi was able to host smaller groups with the pre-teen girls involved and they discussed selective mutism as well as issues they were facing such as suicide, anxiety, divorce and gender identity.



Memorial

The HRA is sad to say they have lost a member of the HRA family. Former Peoria Board member Ann Hicke, age 45, of Brimfield, Illinois, passed away on Friday, November 20, 2020, at the OSF Richard L. Owens Hospice Home in Peoria, Illinois, after a nine-year battle with colon cancer. Ann served on the Peoria HRA board and was a true advocate for those diagnosed with disabilities in Illinois. Before serving on the board, Ann also had an internship with the agency and assisted in report writing, investigations and running board meetings. Ann received a Bachelor's Degree in Social Work from Western Illinois University in 1997, and received her Master's Degree in Social Work from Illinois State University in 2008. Ann worked as a licensed social worker in the healthcare field her entire career, home health, long-term care and hospital settings, most recently at OSF Medical Group in Galesburg, Illinois. Ann will be missed.



Shout Out to OSG from Kendra Moses

Let’s give a big shout out to Office of State Guardian staff who have spent much time and energy to find innovative ways to visit OSG wards during the COVID-19 pandemic. The majority of OSG wards live in long term care facilities or CILA’s, all of which have had indoor visiting restrictions for several months. OSG staff have navigated the challenges of setting up video visits-dealing with electronic device problems, staff shortages at facilities, and sometimes wards’ resistance to that type of visit. We’ve found that snacks help with that issue!

During the summer months, staff did many visits outside, with those wards who are able to come outdoors. GRs and wards were happy to see each other in person, but outdoor visits have their own challenges – bugs, heat, and an occasional ward elopement!

OSG staff also have worked at boosting wards’ spirits – they’ve participated in drive-by parades at nursing homes, sent cards, and brought treats.

During this challenging time, kudos to OSG staff for their ongoing dedication to our wards!



Call for HRA Volunteers

The Human Rights Authority is the division of the Illinois Guardianship and Advocacy Commission statutorily empowered to investigate alleged violations of the rights of persons with disabilities including persons with mental illness, cognitive disabilities, physical disabilities, and the aged disabled. There are nine Authorities, organized by geographic region, throughout the state. The Human Rights Authority is unique in its use of citizen volunteers to conduct these investigations and make corrective recommendations. As such, Regional Authorities are always seeking to fill vacancies as they occur as well as maintain a pool of potential volunteer members for times when the need arises.

The membership of each Authority consists of nine volunteers. Three of these, by statute, are themselves providers of disability services, one

each from the area of mental health, developmental services and rehabilitation services. The other six members are private citizens, some of whom themselves might have a disability, have a family member with a disability or just be concerned citizens interested in disability rights. Members attend monthly meetings and serve on investigative teams. These teams conduct fact-finding investigations to determine whether or not a complaint is substantiated. Investigations typically involve meetings with service providers, chart reviews and policy reviews. Members can expect to spend approximately 4 to 6 hours each month on Authority activities.

Members receive both formal group training and less formal individualized training, and are reimbursed for travel, telephone, postage, and other related expenses.

The Human Rights Authority has been active for over twenty years. During that time the lives of thousands of

persons with disabilities have been positively affected by the hundreds of volunteers who have served. We believe that current and former Members would attest to what a rewarding experience serving on a Regional Authority has been.

If interested in volunteering, please visit this link
<https://www2.illinois.gov/sites/gac/HRA/Pages/Volunteers.aspx>
to download the volunteer application or to complete an application online.

The application can be sent to
Teresa Parks
401 Main Street, Suite 620
Peoria, IL 61602.

You could also contact our statewide intake number at 1-866-274-8023 or STATEWIDE TTY at 1-866-333-3362 to express your interest.

If you feel as though your rights have been violated or if you need assistance or information from any of our program divisions, please call the numbers below:

**STATEWIDE GENERAL INFO:
1-866-274-8023**

**INFO For Out-of-State Callers:
1-708-338-7500**

**STATEWIDE TTY:
1-866-333-3362**

**WEBSITE:
<https://www2.illinois.gov/sites/gac/Pages/default.aspx>**

LIKE US ON FACEBOOK FOR INFORMATION ON THE GAC AND EVENTS