

The Guardian Bulletin



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It has been too long since the last bulletin but that doesn't mean we have not been busy. The Spring Conference and Annual meeting were held on May 15th in Chicago. Close to 80 participants attended who either earned CEU's, CLE's, MCLE's, or Certificates of Attendance. The training included presentations of the Emerging Practice of Court Assisted Outpatient Treatment, Neuropsychological Evaluations of Capacity, and Practicing Guardians. Attending were 21 IGA members with the others a combination of state guardians, public guardians, professional guardians, human services providers and a few family guardians. Plans are being made for the October 16th conference in Springfield. **Yes, October 16th is a date to save.** The full program will appear in the Upcoming Events on our website at www.illinoisguardianship.org.

IGA has a new president, Sharon Rudy, Atty. Sharon has served as public guardian and owns a private practice in Rockford. She has been president before and will continue to head up our *Practicing Guardians* roundtable sessions. One very important goal Sharon has established for the IGA is to re-establish and increase memberships. Also, in late 2017, our business office was moved and we changed treasurers.

The bulletin includes a report of the NGA Board of Director's strategic plan. Also, a review and comment on new laws involving guardian training including limits on the number of cases an individual can have without the court requiring the Guardianship & Advocacy Commission's notification.

New Medicaid Computer System

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The State of Illinois has instituted a new computer system for Department of Human Services (DHS) and Healthcare and Family Services (HFS). As a result, numerous notices have been sent out on clients that contain incorrect information. In some cases, no notices are being sent. This leaves much room for ambiguity and a lot of liability for power of attorneys and guardians because the new notices are very difficult to interpret and sometimes contain conflicting information from prior notices that have been sent. Therefore, numerous Medicaid appeals must be filed just to get a correct decision.

Additionally, as a result of the new computer system, the State has not been sending approvals or denials of redeterminations for residents of long term care facilities. When in doubt, APPEAL, to preserve any rights or benefits that a disabled person might have so they are not removed from benefits or even discharged out of a facility. Remember, a non-paying resident of a facility can be removed for non-payment.

Once an appeal is filed, the problems with getting kicked off benefits are rectified but this process takes months. There is also a very small appeal window of usually 60 days for Medical benefits and 30 days for SNAP benefits (food stamp program).

Legislation Update

PA 100-0483 (HB 2665) created a guardianship training program for private individual guardians. The program is to be free and limited to counties with fewer than 3 million residents. Allows governor to designate the Office of State Guardian (OSG) as interim public guardian to fill vacancies in county with population of 500,000 or less and is effective September 8, 2018. The State Guardian had a year to implement the law which calls for guardian training except for those who are employees of the Office of State Guardian, public guardians, attorneys

currently authorized to practice law, corporate fiduciaries, and persons certified by the Center for Guardianship Certification (CGC).

The law does not require that it be retroactive to cover what must be thousands of past guardian appointments made by the courts.

Another key element of PA 100-0483 was allowing the governor to designate the OSG as interim public guardian to fill vacancies in counties of 500,000 or less. Website www.appointments.gov indicates twenty-two (22) counties have Vacant listed as public guardian. In addition, sixty-five (65) counties show appointments that have expired. However, a PG can serve until they are replaced. However, it is not known how many know their appointments have expired and whether they are still serving as PG or not. It will be interesting to see how well this section of the act is implemented. It should be noted that the OSG could receive a lot of interim appointments!

The Office of State Guardian Director, Barry Lowy, was asked about the progress of the implementation date of September 8, 2018 for PA100-0483. Director Lowy will plan on preparing a report possibly in October. Stay tuned.

Another house bill that was entered and passed this year and is of interest:

PA100-0659 (HB2659) Probate-Multiple Guardianships goes into effect January 1, 2019. This law calls for the Illinois Guardianship & Advocacy Commission (IGAC) to be notified if a person is appointed for over more than five (5) adults with disabilities. What type of action or process is being considered after IGAC is notified is not known at this time. This is a very important law as it seems to be an effort to monitor or at least track guardians who have a large number of cases i.e. over five (5). A synopsis follows:

Amends the Guardians for Adults With Disabilities Article of the Probate Act of 1975. Provides that the court may not appoint an individual the guardian of the person or estate of an adult with disabilities before the individual has disclosed to the court the number of adults with disabilities

over which the individual is currently appointed as guardian. Provides that if the court determines that an individual is appointed guardian over more than 5 adults with disabilities, then the court shall issue an order directing the circuit court clerk to notify the Guardianship and Advocacy Commission, in a form and manner prescribed by the Commission. Provides that the clerk shall notify the Commission no later than 7 days after the entry of the order. Exempts the Office of the State Guardian and public guardians from the new provisions.

House Committee Amendment No. 1

Provides that the Guardianship and Advocacy Commission shall maintain a list of all notifications it receives under the new provisions for reference by other agencies or units of government or the public.

It may be that the training required in HB 2665 discussed earlier would be good to offer the guardians who have appointments of more than five (5) adults with disabilities. The act is a good one as it acknowledges the need for monitoring guardians who have over 5 cases. It is expected that the National Standards for Guardians be made known to this group either by the court and/or the IGAC. What process is developed by the IGAC in their compliance with this new law will be provided in the Guardian Bulletin when it becomes known.

National Guardian Association (NGA) Strategic Plan Update

Update provided by NGA State Affiliate August, 2018.

The NGA Board of Directors met to update its strategic plan at the Williamsburg Lodge in Williamsburg, Virginia, on July 12 and 13, 2018. Paul Caulfield of the Dering Consulting Group facilitated the session, which focused on two major themes:

- Defining the Association's approach and related responsibilities on Advocacy.
- Reviewing and updating the existing Strategic Plan.

In an introductory exercise, participants discussed the importance of building membership and member engagement by embracing the Association's values. Board

members identified the following actions that all Board members can take or support:

- Contact a member.
- Convey the message, "You're not alone."
- Mentor a member.
- Connect with a new or prospective member at the Conference.
- Be nimble, be able to mobilize, and be responsive.
- Let others know who we are--and reinforce! (Promote integrity.)
- Recruit someone.
- Identify quality elements we can sustain.
- Support one another in upholding integrity.
- Be culturally competent.
- Support the translation of our Ethical Principles into other languages.

Advocacy Approach

Participants identified the following ideas in answering the central question, "Why advocate?"

- To counter bad press.
- To influence statues appropriately in a balanced manner relative to the interests involved).
- To show strength in numbers.
- To provide for career guardians.
- To influence funding.
- To project NGA's leadership position.
- To protect the vulnerable.
- Because it is the right thing to do.

Membership Emphasis

The IGA Board of Directors will soon decide on a membership program to encourage past members to rejoin and to recruit new members. The NGA, as noted above in their strategic plan, are also determined to promote guardian associations in an effort to increase Advocacy. At the same time, the IGA board is looking closely at charging for the training we provide for professional, state, public, and family guardians. Any changes will be provided in future bulletins.



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