



HUMAN RIGHTS AUTHORITY INVESTIGATIONS

FACT SHEET

The Human Rights Authority is the investigative arm of the Illinois Guardianship and Advocacy Commission. The Authority, which is made up of nine regional Authorities around the state, investigates alleged violations of the rights of disabled persons by providers of services. The following summary of the HRA investigative process is designed to allay concerns and to promote the establishment of an attitude of cooperation. An open environment speeds the investigative process along and usually results in an outcome viewed by all parties involved as a positive one.

A complaint of an alleged violation can come to the Authority in a number of ways: from a disabled service recipient, a friend or relative of the recipient, a staff person at a facility, or another interested party. It might come in the form of a letter, a telephone call, or a personal presentation before the regional Authority at one of its public meetings. Sometimes investigations are initiated by the Authority itself if there is reason to believe a rights violation has occurred.

Regardless of how the alleged violation is brought to the attention of the Authority, it cannot be investigated until the Authority has voted to do so. At this stage of the investigation no public mention is made of the facility being investigated. This rule must be observed by persons making a complaint at the public meeting. It is the policy of the Authority that the facility involved has the right to learn of any pending investigation from the Authority first, rather than through the media or via the "grape vine."

If the Authority reviews the complaint and determines that it does not involve the rights of an eligible person, or that the complaint is frivolous, it shall not initiate an investigation. The Authority may also determine that a complaint is beyond its scope and authority to investigate and would be an appropriate referral to another agency for investigation. When making such referrals, the Authority may accept the complaint and request the findings of the investigation agency.

If the Authority votes to investigate a complaint, the service provider involved will be notified by mail. The letter will outline the nature of the allegations, explain the Authority's mandate to investigate, and inform the facility that a site visit will be conducted.

The site visit is conducted by an investigative team which will want to meet with any persons who might have knowledge of the alleged rights violation. The team may request that a room be made available where they can interview these persons privately. The investigative team may also want to review facility policies and records. The team may have signed release of information forms enabling them to view specific client records or they may ask to view masked records (records which have had all personally identifiable material removed).

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After the site visit, the investigative team may request that additional information be provided, or may make additional site visits. The team may also inspect documents pertaining to the facility which are held by other agencies, such as Department of Public Health licensure surveys.

The investigative team will report its findings to the Authority. Once the Authority has determined sufficient information has been gathered, a report of findings and proposed recommendations is drafted. After the Authority has reviewed the draft report in a closed meeting, the meeting will be opened and there will be a formal motion and vote to send the report to the provider.

The provider has 30 days after receiving the report to respond. The law requires that the provider inform the Authority what action it intends to take regarding any recommendations that have been made. The law also allows the provider to make objections to the findings and to include them in its response to the report. These objections become part of the record, and, at the request of the service provider, will be included in the report should the Authority vote to make it public.

Once the Authority receives the response from the provider several things can happen. The Authority may determine that the situation has been adequately corrected and vote to close the case. It may decide that the response does not indicate that the alleged violation has ceased and attempt to work with the provider to reach agreement. If no agreement can be reached, the Authority may also decide that it is in the public interest to make the report public. If the report is made public, the provider is notified prior to its release and is again reminded of his right to make objections to the finding and to have them included in the public document. The Authority then votes to close and will so notify the service provider.

If a violation is not substantiated, the Authority notifies the provider that the alleged violation has not been supported by the facts and votes to formally close the case.

The investigation process is designed to result in a positive outcome for all parties involved. The Authority wishes to work with facilities to correct problems. A violation may exist not because of intentional wrongdoing but because of a lack of understanding or because of a situation outside the provider's control. A Human Rights Authority investigation can be an educational tool for providers, alerting them to the law and guiding them to make needed corrections. It may also be an educational tool for the members of the Authority, who are part of you community, alerting them to problems that service providers have to deal with in the day-to-day operation of their agencies. The result is an increased awareness of the problems faced by disabled persons and those who serve them and, it is hoped, a step toward improving the quality of the lives of disabled people throughout the state.