

**From:** [Sunset Advisory Commission](#)  
**To:** [Dawn Roberson](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, June 30, 2014 4:34:52 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Monday, June 30, 2014 3:29 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Monday, June 30, 2014 - 15:28

Agency: DEPARTMENT AGING AND DISABILITY SERVICES DADS

First Name: Ione

Last Name: McGinty

Title:

Organization you are affiliated with: GRADE Guardianship Reform Advocates for the Disabled and Elderly

City: San Antonio

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or  
Opposed:

In May 2010, I contacted APS concerning a friend of mine that is being housed at an ICF-MR (Intermediate Care Facility for the Mentally Retarded) and was not being allowed to talk on the phone. My friend is not mentally retarded.

He suffered a brain injury at the age of 18 in 1980. I called to find out what his rights are and let them know that he was being denied access to the telephone by staff on numerous occasions. He is not being allowed to go out into the community as he wishes. He was denied going to church and to the zoo. After I interviewed with them for 2 hours and they did their so called "investigation" their conclusion was that I "did not have my friend's best interest in mind." They lied to me when I asked for a copy of their report to insure they reported what I said correctly. I was told that I could not get the report. Upon contacting a lawyer, I was told how I could get it.

What I found out that these "investigators" never did was that my friend is on Medicaid and SSI. The State pays the facility over \$125,000.00 per year for his care. Meanwhile, his legal guardian charges his estate around \$100,000.00 per year for "his care." I was told that since my friend is under a guardianship, the legal guardian has the right to restrict him from phone calls and visitors. My friend won a \$50 million lawsuit in 1984. A financial audit was never done to see if the legal guardian is exploiting him.

My friend should not be housed with non-verbal mentally retarded women. He should be in a facility with other head injury victims or in his own home as per his lawsuit. I feel that contacting APS was a total waste and the only thing that it accomplished was the facility telling the guardian and now I am no longer allowed by the guardian to visit my friend.

When another friend was not allowed to visit and called APS, they closed the case without even contacting the complainant.

I was told that DADS would do an investigation on the facility. They did their "investigation" without looking into the guardianship file to see that my friend is not being cared for to the best as his estate will allow. The facility

ended up lying and saying that I was caught fondling my friend. This is ludicrous as I always took my kids with me. They also did validate my complaint that he does not get physical therapy but did not take any actions about this.

Any Alternative or New Recommendations on This Agency:

This agency needs accountability. I feel they went out to this facility just

to check it off the list. They did not care to find my friend a facility that is better suited to his needs. They did not send anything to the court that there was an investigation. I feel that if someone calls DFPS on a "ward" or person under guardianship that is being abused, neglect or exploited, there should be documentation in their guardianship file. How else can we make sure that the court is aware of what is going on.

Also, the Asst Comptroller of DADS at the time was aware of this problem.

He

told me, "I don't have the statutory jurisdiction to do anything." So, I believe that someone besides the Probate Court Judge needs to be able to help the person under guardianship.

My Comment Will Be Made Public: I agree