Illinois Guardianship & Advocacy Commission

FOR IMMEDIATE RELEASE

North Suburban Human Rights Authority
Report of Findings
Elgin Mental Health Center
HRA #09-100-9002

Case Summary: the HRA did not substantiate the allegations presented. The HRA's public record on this case is recorded below; the provider's response immediately follows the report.

The North Suburban Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation of alleged rights violations at Elgin Mental Health Center (EMHC), Forensic Treatment Program, and Unit L. In August 2008, the HRA notified EMHC of its intent to conduct an investigation, pursuant to the Guardianship and Advocacy Act (20 ILCS 3955). The following complaints were accepted for investigation: 1) a consumer's telephone conversation was unjustly limited; 2) telephone conversations are not private as staff members sit very close to the phone; 3) a consumer was denied access to the Internet simply because he changed the computer screen-saver.

If found substantiated, the allegations would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103) and the Illinois Department of Mental Health's Possession and Use of Personal Computers directive.

To pursue this investigation, a site visit was conducted at which time the allegation was discussed with the consumer's Social Worker.

Background

Consumers receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on a number of factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has 315 beds.

Allegation: 1) a consumer's telephone conversation was unjustly limited
2) telephone conversations are not private as staff members sit very close to the phone

Findings

The consumer whose rights were alleged to have been violated reported that on Father's Day he was talking to his daughter and after about 10 minutes on the phone, he was told by staff to end the conversation. When he did not end the conversation, the telephone was shut-off.

According to an Interdisciplinary Staff document dated June 19, 2008, on Father's Day the consumer was observed using the unit pay phone past the allotted time. He was informed several times that he was past the allotted time but ignored staff by keeping his back to them. According to documentation, he was also informed that other consumers might want to make or receive telephone calls for Father's Day. The consumer was informed that if he did not comply with the direction to end the conversation, the phone would be shut off; the phone was subsequently shut-off.

At the site visit, the Social Worker explained that the twenty-five people housed in the unit have access to a phone that is located in the common area. A consumer is allowed 15 minutes per phone call, but can stay on longer if no one else wishes to use the phone. The phone is also used for incoming calls. It was stated that generally the consumers regulate this activity themselves. The phone is equipped with a switch that staff members can activate that turns off the telephone.

It was explained that the consumer had some history of spending a lot of time on the phone. On Father's Day he had been on the phone for a long time and had been approached by the staff repeatedly because the phone needed to be freed up for expected incoming calls for the other consumers. When he refused to comply his call was terminated.

During the tour of the facility the HRA had an opportunity to view the phone. It is in a general use area and there are no staff assigned to work there on a permanent basis. The phone is on the wall and has an aluminum privacy shield around it.

The Center's phone use policy states that each patient unit shall have a public telephone for patient use on or near the unit. All patients shall be provided access between 6:30 a.m. and 10:00 p.m. to the public telephone, during their free time, for the purpose of placing and receiving personal calls. Any limitations as to the number or length of calls shall apply equally to all patients on the unit, and shall be for the purpose of assuring reasonable access to the telephone by all patients.

Conclusion

Pursuant to the Mental Health and Developmental Disabilities Code Section 2-103, "Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation. (a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. (b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission."

Based on the information obtained, the HRA does not substantiated the allegations that a consumer's telephone conversation was unjustly limited or that the telephone conversations are not private as staff members sit very close to the phone.

Allegation: 3) a consumer was denied access to the Internet simply because he changed the computer screen-saver

Findings

As stated above, the consumer reported that he was denied access to the Internet simply because he changed the computer screen-saver.

According to an Interdisciplinary Staff document dated June 19, 2008, the consumer changed the desktop background to an inappropriate picture on a program building computer that he was using for education purposes. The picture was a hand sketched drawing of a naked woman in a pool of water that just covered her breasts. It was documented that the consumer had previously been informed that he was not allowed to alter the program building computers in any way. At the request of the rehabilitation program staff, the consumer was asked to meet with staff regarding the matter. It was documented that the consumer's immediate response to the requested was to indicate that he was going to be restricted. It was documented that despite reassurance that he would not be restricted, he kept saying that having a meeting about a screen saver was "petty." The meeting was held and the team decided on the following: a loss of computer privileges for one week; 2) computer privileges to be reinstated after he meets with rehabilitation staff. The computer use was reinstated after a week.

At the site visit, the Social Worker related that the consumer is very expert at the computer and takes a large number of Internet courses. Prior to the incident mentioned above, he had changed some material on another computer and had been warned not to change things on the computer again. On the occasion in question, he uploaded a new desktop screen saver image on the computer that was used for the Internet access. The image, which he had drawn himself, was an artistic rendering of a naked woman in a pool of water that just covered her breasts. He left the image displayed on the computer screen.

The Social Worker stated - and the chart reflects – that the consumer refused to attend a subsequent meeting to discuss this incident because he wanted his lawyer present. He was restricted from Internet use for one week. The consumer argued that he thought that it was only the computer (from the first incident) that he could not change and that the prohibition did not extend to the Internet program computer. He also said that his access to the Internet could be denied only for security reasons.

The Social Worker did explain that because of this incident, the institution has developed a “Contract” that the users need to sign before they are granted computer access. The contract specifically deals with the issue of changing programs or altering screen savers. There have been no further incidents of this nature with the consumer identified in the investigation.

Conclusion

The Illinois Department of Mental Health's policy for Possession and Use of Personal Computers states that individuals may request to have e-mail and internet access for education purposes only. The treatment or interdisciplinary team may deny the request if it determines that e-mail or internet access would be clinically inappropriate or that a restriction on e-mail or internet use is necessary to protect the individual or others from harm. The HRA concludes that the consumer was in fact, restricted from using the Internet for one week because he had changed the screen saver. However, since the computer was facility property and not a personal computer, they restricted a privilege. Thus, rights were not violated; the allegation is unsupported.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

Pat Quinn, *Governor*

Carol L. Adams, Ph.D., *Secretary*

Division of Mental Health - Region 2
Elgin Mental Health Center ▬ Singer Mental Health Center

RECOVERY IS OUR VISION
Recovery is a Personal Journey of Hope, Healing, Growth, Choice, and Change

February 2, 2009

Mr. Dan Haligas - Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

Re: HRA #09-100-9002

Dear Mr. Haligas:

Thank you for your recent review dated 01/07/09. Per your findings, there were no substantiated allegations. As always, the Facility's goal is to maintain the highest quality of care for our consumers. Please include a copy of our response with any public documents.

Respectfully,

Tajudeen Ibrahim, BA
Acting Hospital Administrator

TI/JP/aw

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