FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #13-100-9001
Elgin Mental Health Center

Introduction

In September 2012, the North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (hereafter referred to as Center), Forensic Treatment Program, Hartman Unit. A complaint was received that alleged that staff members did not follow procedure when opening mail/packages and that a consumer is unable to use/install a memory chip on his computer.

The rights of consumers are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103, 5/2-104) and regulations that govern state-operated facilities (59 Ill. Admin. Code 109).

Recipients receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) 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.

Methodology

To pursue this investigation, the HRA conducted a site visit in September 2012, at which time the allegations were discussed with the Director of the Forensic Program. The patient whose rights were alleged to have been violated was interviewed by telephone.

Allegation: staff members did not follow procedure when opening mail/packages

Findings

The complaint reported that in the visitation room where the patients receive their packages, a package of his was laid on the table by a security officer and the package was "half opened" before he could accept the package. He stated that he recognized the sender of the package and asked the security officer to stop because he wanted to examine the package in case he wanted to send it back to the sender. The patient stated that the officer stopped and the patient was able to look at the package and decline it.

At the site visit, it was explained that six days a week mail/packages are delivered to patients. It was explained that the process of mail delivery is labor intensive, as it includes the following:

1. mail/packages delivered to facility

2. mail/packages picked up by security
3. mail/packages are logged in, tracking date recorded by security
4. units are called to advise of those patients that have received packages
5. security opens packages in the presence of each individual patient

The Director explained the process, saying that a unit staff person escorts a group of patients to and from the visitation room. It was stated that two staff members are present when the package is opened; one staff member from unit and one security personnel. No packages/mail is opened until the patient is present. The Director offered that in this specific incident, the package was a mailing envelope and the pull-tab to open the envelope had been slightly pulled; the contents had not been removed. The Director offered that Security personnel receive training regarding the mail/package procedure and that this incident was an anomaly.

The Center's Patient Mail policy states that "incoming mail shall be delivered by Mail Room personnel to the Forensic Treatment Program and the Community Psychiatric Service once each day, excluding Saturdays, Sundays and state/federal holidays. Unit staff picks up mail at the routine time, bringing outgoing mail with them. Prior to handing mail to the patient receiving it, unit staff shall inform the patient that staff must check the mail for contraband, checks, money orders and money in excess of the applicable program limits. The patient shall be asked if he or she understands, the patient shall be asked if he or she agrees to allow the mail to be inspected for contraband or money. If the patient agrees to the inspection, the patient shall open the mail in the presence of a staff member. If the mail is a package, Security contacts the unit to inform the patient that a package has arrived for him/her. Patients with packages are notified when Security is available to assist in opening, to proceed to the Visitation Room. Packages must be opened in the presence of a Security Officer and STA (Security Therapy Aid). The employee's inspection shall be limited to looking for contraband, checks money orders or money. Staff issues a receipt for restricted items that are not given to the patient. If the patient refuses to open the mail in the presence of an employee and to have it inspected, the patient shall be informed that his or right to receive the mail shall be restricted, and the restriction of rights procedure shall be implemented, if the patient continues to refuse for three days (excluding Saturdays, Sundays and state/federal holidays), the mail shall remain unopened and undelivered to the patient. The outside of the mail shall be marked "Return to Sender", and the mail shall be placed in the unit's out-going mail box for Mail Room staff pick-up at end of the third day."

Conclusion

Pursuant to the Illinois Mental Health 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. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items. (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.

By admission, the envelope was partially opened. According to the patient, when he told the staff member to stop, he/she stopped. Because the package was never fully opened, the contents

were not removed and the patient was present, it is concluded that rights were not violated; the allegation is unsubstantiated.

However, the HRA takes this opportunity to ask that Center administration review this matter with Security personnel, to ensure that the procedure for mail/package delivery is followed according to Center policy.

Allegation: consumer is unable to use/install a memory chip on his computer.

Findings

The patient reported that he had purchased a memory chip for his computer. He was told by Center personnel that he had to send the computer to an outside source to get this devise installed because the Center would not do this for him and he could not install the chip himself. The patient stated that it is a very easy installation that he could simply do on his own.

At the site visit, it was explained that patients are allowed to have a personal computer with Word access only, and the patient must be attending an education program. Flash drives can be used and printing is completed in the program's library. The Director stated that tools (screwdrivers, etc.) are necessary for the installation of the memory chip and these items are considered contraband and are not allowed. Staff members from the facility are not allowed to install the chips due to it being a liability issue.

The Center's Patient Possession & Use of Personal Computers, Printers, CD-ROM & CDs policy states (in part) that a patient may use his/her personal laptop computer while in the hospital only if the use has been reviewed and recommended by the patient's treatment team and approved by the Clinical Nurse Manager. The policy defers to the Illinois Administrative Code - Access to Services.

The Administrative Code (Title 59, Chapter I, Part 109), Individual Access to Services section states that "the facility director shall be responsible for implementing this Part. He or she may restrict the possession or use of computers, peripherals, modems, CDs, disks, software, or other equipment used with the computer for all individuals in a facility, when necessary to protect an individual or others from harm, provided that notice of such restriction shall be given to all individuals upon admission. The treatment or interdisciplinary team, with the approval of the facility director, may restrict an individual's possession of computers, modems, or computer peripherals when necessary to protect the individual or others from harm. Individuals wishing to purchase or obtain computers, modems, or computer peripherals for personal use must have prior approval from their case managers and the treatment team at a mental health facility or the interdisciplinary team and the EDP liaison at a developmental disabilities facility."

Conclusion

Pursuant to the Illinois Mental Health Code, Section 2-104, "every recipient who resides in a mental health or developmental disabilities facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except in the circumstances and under the conditions provided in this Section. (a) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission."

The consumer is unable to personally install the memory chip due to safety reasons; he does have the option of sending the computer to an outside source for installation. It is concluded that rights have not been violated; the allegation is unsubstantiated.

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* Michelle R.B. Saddler, *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

October 23, 2012

Ms. Kori Larson - Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

Re: HRA #13-100-9001

Dear Ms. Larson:

Thank you for your thorough review of this matter. I note that none of the allegations were substantiated. The staff at the Elgin Mental Health Center strives to provide the best possible care and treatment for our consumers. As always, we will continue to work to quickly resolve any consumer concerns.

Per HRA request the facility mail/package delivery policy was reviewed with security personnel.

Please include our response with any public release of your Report of Findings.

Sincerely,

Paul N. Brock, M.P.A., M.H.A.
Hospital Administrator

PNB/JP/lf

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