FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #13-100-9016
Elgin Mental Health Center

Introduction

In late May 2013, the North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (hereafter referred to as Center), Forensic Treatment Program I Unit. A complaint was received that alleged that a consumer's mail often arrives late to the unit (as evidenced by the postmark); the consumer is unable to have non-contraband items (pens, correction tape, etc.); the consumer is unable to read his chart and when he called the Illinois Office of the Inspector General (OIG) about this matter, unit staff told him he could no longer contact the OIG. The rights of consumers are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103, 5/2-104), the Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/4) and the Illinois Administrative Code (59 IL Adm. Code Section 50.20).

Recipients receiving services at EMHC's Forensic Treatment Program have been remanded by the 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 consumer whose rights were alleged to have been violated was interviewed by the HRA via telephone. The HRA, with written consent, reviewed portions of the consumer's clinical record. A site visit was conducted at which time the allegations were discussed with the consumer's Social Worker.

Findings

The Social Worker stated that the consumer is a 69-year-old male admitted in November 2012. He is diagnosed as Bi-Polar with Psychotic Features, and suffers from fixed delusions that are not affected by the medications.

The consumer's Social Worker stated that the consumer had presented these same concerns to him, which he had previously addressed. He stated that the consumer reported that his outgoing mail arrives up to ten days late to its destination, if at all. The Social Worker stated that to address this concern, he has agreed to personally take the consumer's outgoing mail to the mail bag and he would document when the mail was placed in the bag. He stated that for incoming mail, he would check the postmarks and also document when mail was received. When

asked if the HRA could review these documents, it was stated that the consumer has had no mail since this was developed. Subsequent to the site visit, the HRA sent the consumer two letters at separate times to see how long it took for the correspondence to arrive to the consumer. The first letter was sent in an IGAC envelope and according to the consumer, he received it within two days of the postmark. The second correspondence was mailed in a plain envelope, and according to the consumer this arrived to the unit also within two days of the postmark.

Regarding the allegation that the consumer is not allowed to have non-contraband items, it was explained that consumers are not allowed to have standard pens and pencils due to safety reasons. It was stated that consumers are provided with "golf-size" pens/pencils that are about three inches in length. It was stated that this consumer had received various colored pens, liquid correction tape and binding wax pertaining to art and journalism. The items were placed in storage; the HRA was given copies of the consumer's storage items receipt list and it showed that the pens, liquid correction tape, glue sticks, and metal binders had been placed in storage.

It was stated that the consumer is not being denied access to his chart. The consumer has requested (and chart documentation confirms) that he has received the materials requested. It was stated that the consumer has requested documents that are not the property of the Center and are not in the chart (Department of Correction documents). The Social Worker stated that he was not aware of any incident regarding the consumer contacting the OIG about not being able to read his chart and/or that staff members told him he could not contact them. The Social Worker stated that this consumer is often on the telephone and that every consumer has the right to contact the OIG.

The HRA reviewed the Forensic program's Patient/Family Significant Other Information Booklet regarding the allegations presented. The Booklet addresses all contraband and restricted items. Contraband items include illegal drugs, alcohol, weapons, etc. Restricted items include glass objects, audio or video recording devices, cameras, etc.

The Booklet contains a section that addresses making complaints. The information directs the consumer or family member to voice concerns to the consumer's social worker or nurse manager, at the community meeting or with the program's consumer advocate. The reporting person can also contact the Hospital Administrator and/or the Forensic Program Director. The Human Rights Authority is listed, as well as the Office of the Inspector General.

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 pick up mail at the routine time, bringing outgoing mail with them. Personal mail is placed in the mailbox of the patient's social worker or back-up."

Conclusion

Pursuant to the Illinois Mental Health and Developmental Disabilities Code (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."

Pursuant to Section 2-104 of the code, "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 therefore, 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."

Pursuant to the Illinois Mental Health and Developmental Disabilities Confidentiality Act Section 4 (a), "The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof: (1) the parent or guardian of a recipient who is under 12 years of age; (2) the recipient if he is 12 years of age or older..."

Pursuant to the Illinois Administrative Code Section 50.20, "Any other person, individual, family member, guardian or advocate who witnesses, is told of or suspects an incident of alleged abuse, neglect, financial exploitation or a death of an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or other electronic reporting system offered by OIG to the OIG Intake."

A complaint was received that alleged that a consumer's mail often arrives late to the unit (as evidenced by the postmark); the findings do not support the claim - the allegation is unsubstantiated.

Another complaint stated that consumers are not allowed to have some non-contraband items due to safety concerns; it is concluded that rights are not being violated. The allegation is unsubstantiated.

The consumer is able to read his chart and he has not been restricted from contacting the OIG; the related allegations are 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

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

September 13, 2013

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

Re: HRA #13-100-9016

Dear Ms. Larson:

Thank you for your thorough review. The staff at the Elgin Mental Health Center strives to provide the best possible care and treatment for our consumers. We are pleased your findings were unsubstantiated.

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/aw