



---

**FOR IMMEDIATE RELEASE**

---

# METRO EAST REGIONAL HUMAN RIGHTS AUTHORITY

## REPORT OF FINDINGS

HRA CASE # 11-070-9013

### ALTON MENTAL HEALTH CENTER

#### INTRODUCTION

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of a complaint at Alton Mental Health Center (the Center), a state-operated mental health facility that has 125 inpatient beds in Alton. The allegation states that the Center may have violated a consumer's rights when it denied adequate and humane treatment and services pursuant to an individual services plan.

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-102), the Illinois Administrative Code (59 Ill. Admin Code 109.30) and Alton Mental Health Center's Policies.

Specifically, the allegation states that the Center interrupted a consumer's privilege to take part in college education courses after accusing him of accessing inappropriate web sites. The consumer had been participating in college classes using a Center computer and, after attending classes on August 29, 2010 he was informed by staff that he would no longer be allowed access to the computer laboratory because he went to unauthorized and inappropriate web sites. The consumer said that the allegations are completely untrue and insists he only went to approved sites and that internet pop ups may have caused inaccurate information that the Center used to accuse him of visiting unauthorized websites.

#### METHODOLOGY

To pursue the investigation, an HRA team visited the Center and interviewed the consumer, the case manager (Manager) and the Rehabilitation Services Administrator (Administrator). With consent, the HRA reviewed the consumer's record and the Center provided applicable policies and procedures.

#### MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE

Under the following Sections of the Code:

- (a) A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible.... In determining whether care and services are being provided in the least

restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided. (405 ILCS 5/2-102)

(a) Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason....(405 ILCS 5/2-201)

Notice Regarding Restricted Rights of Individual - IL462-2004M: Part II (other restrictions) calls for a start and ending date for the time of restriction.

### ILLINOIS ADMINISTRATIVE CODE

Pursuant to the Illinois Administrative Code:

1) 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. If it becomes necessary to restrict individuals who did not receive notice of the restriction upon admission, the professional responsible for overseeing implementation of an individual's services plan may, with the approval of the facility director, restrict the right to property when necessary to protect the individual or others from harm....

3) Except as provided in this Section, e-mail and internet use on State-owned computers by individuals is prohibited. Facilities are not required to provide individuals with e-mail or internet access on State-owned computers. Individuals may request to have e-mail and internet access for educational purposes only. No other e-mail and internet related uses of State-owned computers by individuals are permitted. 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....

#### b) Individual Use

1) If an individual wishes to use a computer and software, employees will inform the individual concerning the stipulations/terms under which a computer and software may be used. The individual must sign the form attesting that he or she understands the terms of use and agrees to those

terms. If an individual has a guardian, the treatment or interdisciplinary team shall review the form with the individual and his or her guardian. The guardian will also be asked to sign the agreement. The treatment or interdisciplinary team may specify additional terms and conditions for use of a computer in the individual's treatment or habilitation plan....

3) The individual's use of the computer will be determined based on clinical review and assessment, as well as the availability of space, the number of electrical outlets, and electrical devices. No extension cords or devices that multiply the number of outlets, such as outlet strips, etc., are permitted.

5) If an individual inappropriately uses a computer, the treatment or interdisciplinary team may restrict his or her use of the computer until the treatment or interdisciplinary team meets to determine the programmatic action warranted.

6) The treatment or interdisciplinary team shall keep a record of the equipment and software that each individual is authorized to use. At least annually, there shall be an inventory of all individuals' rooms to ensure compliance. There may be random checks of what software is loaded onto each individual's computer. Any unauthorized software programs shall be deleted. The continued presence of unauthorized software or providing software to other persons may result in the restriction of the use of the computer. (59 Ill. Admin. Code 109.30)

### **ALTON MENTAL HEALTH CENTER POLICIES**

Alton Mental Health Center Policy Number: 2 C.01.002 states:

It is the policy of Alton Mental Health Center (AMHC) to provide the opportunity to pursue higher education to those patients who qualify. No laptops will be allowed for use by patients at AMHC. The category of patients who can be considered to pursue higher education would be those patients who possess the legal status of NGRI and possibly G2. Those who qualify (note the criteria below) will be allowed to use an AMHC computer and internet.

#### **PROCEDURE:**

Criteria for patients to be approved for (the Center) computer/internet usage:

Follow hospital rules and unit expectations (especially in regard to contraband)

Be clinically stable noted by an absence of: observational status,

aggression [verbal, physical, objects] delusions, hallucinations, suicidal ideation

Be eligible for and maintain an unsupervised building privilege

Be eligible for and maintain a room key

Have the financial means to do so (higher education)

1. The patient will request this privilege through his/her social worker. The social worker will assist the patient in completing the AMHCCR-187 Patient Request for Use of AMHC Computer/Internet (Attachment A) and will bring the issue to the treatment team for approval. The treatment team will respond within a reasonable length of time.
2. The treatment team will complete the AMHCCR-187A Approval for Patient Use of AMHC Computer/Internet Treatment Team Authorization (Attachment B). The team will meet with the patient to relay whether they have been approved or not to use an AMHC computer/internet.
3. The treatment team may specify additional terms and conditions for use of an AMHC computer in the patient's treatment plan.
4. The patient will review and sign the AMHCCR-187B Agreement to Use AMHC Computer/Internet (Attachment C).
5. The patient may set up e-mail accounts for the purpose of exchanging educational materials with the college he/she is attending. E-mail accounts must be accounts which incur no obligation, financial or otherwise, on the part of AMHC for payment.
6. IT staff will randomly monitor on a monthly basis the facility computers designated for patient/student use for compliance that only Internet sites which are related to the education process will be accessed. The IT Department Monthly Audit (AMHC Computer/Internet Usage - Attachment D) will be completed and sent to the Hospital Administrator, Medical Director, and Clinical Director for informational and tracking purposes.
7. If at any time a patient's behavior indicates that they may no longer be clinically safe (see criteria for patients to be approved for AMHC computer/internet use noted above) to use an AMHC computer, staff will complete an IL462-2004M AMHC Version - Notice Regarding Restriction of Rights of Individuals. The treatment team will meet within a reasonable period of time to

discuss the programmatic action in relation to the patient's behavior.

8. If at any time a patient demonstrates inappropriate use (such as unapproved content or internet sites other than the designated college website) of the AMHC computer, staff will complete an IL462-2004M AMHC Version - Notice Regarding Restriction of Rights of Individuals. The treatment team will meet within a reasonable period of time to discuss the programmatic action in relation to the patient's behavior.

9. Patient must sign a Release of Information allowing his/her Social Worker to speak with the university/college in question.

10. For AMHC Computer/Internet usage the following forms must be completed:

AMHCCR-187 Patient Request for Use of AMHC Computer/Internet  
 AMHCCR-187A Approval for Patient Use of AMHC Computer/Internet

The Patient Handbook states:

There may be times when your Rights may have to be restricted. Your rights can only be restricted for cause. You were provided a list of your rights at the time of your admission.

If it becomes necessary to restrict your rights, you will receive a written notice telling you:

- which right is being restricted
- the reason why your rights are being restricted
- how long your rights will be restricted

### **FINDINGS**

The consumer stated that on August 30, 2010 staff informed him that he would no longer be allowed to attend the computer lab after a routine audit of computers revealed that he had visited inappropriate or unapproved websites. According to the consumer he read, understood and signed the Center's computer agreement and he did not sign a consent form that would allow his social worker to communicate with the university. The consumer stated that he was allowed to visit educational related sites and that he encountered "pop-ups" a form of online advertising, which he could not control and that those adds may have caused technical support to misinterpret which sites the consumer visited.

On August 30, 2010, upon the consumer's request, his Psychiatrist and a computer technician accompanied him to the computer lab and demonstrated some of the sites including some photographs that he allegedly observed and they showed him symbols that they said indicated he was attempting to open a new email number or join a twitter account (The twitter account allows access to a social network). The consumer stated that he had not seen the photographs on the computer prior to that time and that he did not attempt to open a twitter or email account. The consumer explained that he did not purposely visit any websites that were not allowed by the Center. The consumer said that he did not receive any documentation regarding the alleged incident that would allow him to review the evidence used to rescind his computer privileges.

The consumer concluded that he received a Notice of Restriction form dated August 31, 2010 that did not have a date in the section to describe the length time the restriction was to remain in place. That day, he met with his Case Manager regarding the restriction.

The Case Manager stated that the consumer lost his privileges to use agency computers and that resulted in his inability to continue college courses after he violated the computer policy and agreement that he had signed. The Manager explained that the Center's technical support person obtained and shared with the consumer verification of the violations.

The Manager explained that the treatment team asked the consumer to develop criteria for the return of his computer and internet access privileges and that he has not responded to the request.

The Rehabilitation Service Administrator stated that the patients were monitored as they leave the unit and that staff document their destination. He explained that each consumer signs on to the computer when arriving at the lab.

A treatment plan review dated 08/31/10 states:

[The consumer] lost the privilege of using AMHC computer and internet access for educational purposes due to violating the AMHC policy of being found going to other sites not approved. [The consumer] has denied going to any sites other than approved by the treatment team....

Summary of treatment Team Discussion regarding internet use for College classes: [The consumer] had been asked to consider criteria and a time frame for possibly getting his internet privileges back after he was given a restriction from rights from using the AMHC computer and access to the internet for educational purposes. During this treatment team meeting [the consumer] did not discuss or present any plan regarding him computer/internet use.

The HRA verified that the end date of the Notice(s) Regarding the Restricted Rights of

Individual form that pertained to computer privileges did not offer an end date.

The Center provided copies of "Alton Mental Health Center grounds and building privileges' for the month of August except that the last dated sheet was for August 29, 2010. The last page was not dated and it was written in parenthesis (? 08/31/10). The form states that the consumer left the unit to attend computer lab at 0900 (hours) and returned at 0945; Left 1440 return (no return time is recorded). The notation that the consumer left at 1440, according to staff, refers to the event when the consumer, the Psychiatrist and technical support staff returned to the computer lab. At that time the consumer was allowed to view the list of unauthorized websites that the staff believed the consumer visited.

The documentation of sites visited reveals that about sixty six web sites were visited between 0912 and 0921. The websites visited include Blackboard.lc.edu, educational site; overstock.com, and mbuys.com shopping networks.

Center staff provided photographs of products related to shopping and a girl.

Documentation that does not offer a time or date verifies that "windows live" program was downloaded which is evidence that someone may have attempted to set up an email account.

### CONCLUSION

Pursuant to Section 2-102 of the Mental Health and Developmental Disabilities Code, "A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan."

The Administrative Code states that the facility director may restrict the possession or use of computers, that IT staff will randomly monitor the facility computers designated for patient/student use for compliance, and that only Internet sites which are related to the education process will be accessed. The IT Department Monthly Audit (AMHC Computer/Internet Usage - Attachment D) will be completed and sent to the Hospital Administrator, Medical Director, and Clinical Director for informational and tracking purposes.

The HRA concludes that, while the consumer maintains his innocence, there is evidence the computer used by him visited websites dedicated to shopping during his log on time. The Notice Regarding Restricted Rights of Individual - IL462-2004M: Part II (other restrictions) calls for a start and ending date for the time of restriction. The Notice of Restriction form issued to the consumer did not offer an end date to the restriction. The allegation that the Center violated the consumer's rights when it denied adequate and humane care and services pursuant to an individual services plan is not substantiated.

### SUGGESTION



The HRA suggests that:

1. The Center adhere to the requirements of the Notice of Restriction form and always offer an ending date for all restrictions.
2. Consider including in Center policy, the computer agreement and/or the Patient Handbook specific examples of prohibited web sites (e.g. shopping sites).
3. If popup advertisements occur, consider a means to block them.