



FOR IMMEDIATE RELEASE

METRO EAST REGIONAL HUMAN RIGHTS AUTHORITY

REPORT OF FINDINGS

HRA CASE # 13-070-9027

ALTON MENTAL HEALTH CENTER

INTRODUCTION

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of complaints at Alton Mental Health Center (Center), a state-operated mental health facility that has 125 inpatient beds in Alton. The specific allegation states that the Center violated a consumer's rights when it did not provide an appropriate diet.

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102), the Illinois Administrative Code (59 Ill. Admin. Code 112.30) and Alton Mental Health Center policies.

Specifically, the Center may have violated a consumer's rights when it has not offered a vegetarian substitute for the meat entrée on at least 8 occasions since the consumer's admission in February. When the consumer complained, he was told "if you don't like it, you should stop being a vegetarian."

METHODOLOGY

To pursue the investigation, an HRA team visited the Center and interviewed the consumer and Center staff, including the dietician. The HRA, with consent, reviewed the consumer's record.

FINDINGS

The consumer stated that the Center has not offered an appropriate vegetarian diet. The consumer explained that he is not provided an appropriate meat substitution on a regular basis and, therefore, he does not receive adequate nutrients, such as protein. According to the consumer, he is not offered a substitution for breakfast meat that other patients receive and it is estimated that on some days he receives 42 grams of protein, well short of the suggested amount for an adult male.

The consumer said that he had received large portion meals until he complained that those meals were insufficient and after that complaint, the Center discontinued the large portion diet. The consumer explained that in the last two months, since the Center stopped providing a large portion diet, he has lost 15 pounds.

Finally, the dietician reportedly told the consumer that because it was an individual's choice to be a vegetarian, the Center did not have to provide a meat substitute for any

meal, or vegetarian cuisine for each meal.

A staff member stated that the treatment team, including the dietician has met with the consumer on a regular basis. During those documented meetings, the team, with the consumer's participation, has developed a plan to address his needs within the realm of reasonable accommodation.

The dietician explained that the consumer has a diet plan to satisfy his vegetarian diet and she provided the HRA with the Actual Food Provided Record. The Record is a checklist of each meal as ordered by the dietary menu that is verified a when the meal tray is opened on the unit in the presence of the consumer. The dietician noted that the record verified all foods offered at meal time three meals per day from May 4, 2013 until May 31, 2013. The dietician pointed out that on one occasion, when two milk cartons were scheduled, one carton of milk was delivered the second milk was acquired from the kitchen before the meal was completed.

According to the dietician, protein deficiency may be detected by laboratory analysis after drawing an individual's blood; however, the consumer will not cooperate to have his blood drawn and evaluated. The dietician said that the consumer is visibly healthy, with smooth skin texture, clear, not dull, good elasticity and an even tone. Additionally, his hair does not appear to be brittle and his fingernails appear healthy. The dietician said that brittle hair, dull skin and broken or disfigured fingernails are a sign of protein deficiency.

The dietician told the HRA that the consumer has misinformation regarding the values of protein in different foods. On two occasions, May 26th and June 3, 2013 the consumer completed a form stating that he had not received an appropriate amount of protein. On those days he suggested he had only received 40 grams of protein when in fact he received over 80 grams of protein. The dietician provided documentation what the consumer had eaten that day.

The dietician addressed the part of the allegation that stated the Center did not offer a comparable substitute when other consumers receive a breakfast meat. The Dietician stated that consumers who are not vegetarian or on a heart healthy diet occasionally receive one piece of bacon or sausage for breakfast; however, those meats are considered a fat and not protein. The dietician explained that the consumer receives comparable calorie and nutritional serving during breakfast meals when others receive breakfast meat.

According to the dietician, the consumer's diet is designed to ensure he receives appropriate nutrition by utilizing supplements and large portions. According to the dietician, the diet meets nutritional requirements.

DOCUMENTATION

The Initial Nutritional Screening completed by a registered nurse dated 02/22/13 states:

For [the following] identify the appropriate response, note specific information [if applicable] and indicate corresponding number in designated box.

Special Diet? Yes [14]; specify; fish only vegan: [Fish only Vegan]
[Corresponding number not indicated]

Food allergies: Yes [14], specify;
sensitive to wheat soy and peanut butter: 14

Ethnic/religious food preference? Yes [14]: [0]

Diagnosis of: Underweight: At least one diagnosis indicated [14]...14

At least one box in Results column has score of 12 or greater. Order Nutritional Assessment Level II....

The Nutritional Assessment Level II completed by the Dietary Manager dated 02/25/13 indicates that on the date of assessment the consumer's classification of overall nutrition is listed as "Normal Nutritional Status" and does not address the Vegan diet.

A nutritional consultation completed by the Dietary Manager and dated 02/27/13 states:

Subjective: talked with [the consumer] about food. [The consumer] had many questions and discussion about food. [The consumer] mentioned he would be keeping a lot of everything he thought was wrong with his tray and the trays of patients sitting near him in the dinner room.

Objective: Diet order Vegetarian Large portion. Will eat fish, no peanuts, sensitive to wheat and peanuts. Met with patient and RN. Patient has numerous requests regarding food.

Assessment: Patient has numerous self-imposed restrictions on food including manufacturing methods of food items. Often the accuracy of [the consumer]'s ideas of micro nutrient needs and reasons for self-restrictions and special requests have no significant nutritional benefit. Attempt to direct [the consumer]'s focus to reasonable accommodations. [The consumer] agreed with recommend diet order as in plan below.

Plan: Recommend vegetarian diet [and] no concentrated sweets diet. Extra vegetables, prunes for breakfast and supper except continental breakfast; no bread, cake, cookies, gravy, biscuits, waffle, pasta, cream of wheat, farina.

A nutritional consultation completed by the Dietary Manager and dated 03/01/13 states:

Subjective: Spoke with [the consumer] regarding complaint that the vegetarian diet did not have in [the consumer]'s opinion appropriate substitute for meat. [The consumer] states he disagrees with explanation. Told [the consumer] he may at anytime opt to change diet from vegetarian diet if chooses. Directed [the consumer] to tell RN or Physician [if he] desires to change diet to regular heart healthy.

Objective: Talked with [the consumer] accompanied by [Clinical Nurse Manager]

Assessment: Explained to [the consumer] basic meal plan for vegetarian diet. Patient has option to choose to change from vegetarian diet.

Plan: continue present diet until patient chooses to change diet.

A nutritional consultation completed by the Dietary Manager and dated 03/11/13 states:

[The consumer] states I am considering a vegan diet with fish. When [the Physician] asked why he requested a Vegan diet [the consumer] replied it is scientifically proven that a vegan diet plus fish is the healthiest diet to be on 'but I have asked my Mother to send in Protein supplements and fatty acid supplements.' Patient agreed to continue present diet.

Patient refuses lab draws tests. Diet order: Vegetarian may have fish as available, large portion, extra vegetables, prunes two times daily consumes 100 % of meals. Attended comprehensive treatment review week 2.

Continue present diet, Maintain intake and weight.

Subjective: [The consumer] states two concerns about differences about vegetarian diet, but I don't think that is what this meeting is about. Discussed with [Physician] dietary concerns yesterday, essential amino acids metabolize with vegetarian diet. [The Physician] summarized diet plans. [The consumer] agreed. [The consumer] also agreed, with diet [not legible]. [The consumer] verbalized intent to file complaint on behalf of vegetarian diet [not legible] bacon substitute.

Objective: Attended comprehensive treatment review, for week 2 meeting. Revised diet order; vegetarian with fish, large portion, prunes [times 2].

May have Ensure for missed meals for one month only. Weight remains 161 [pounds].

Assessment: Patient encouraged to focus on scientific facts in regard to nutrition treatment, personal opinion may vary. [The consumer] has many ideas with no basis. [The consumer] has many specialized requests, some may not be available nor in best interest of health.

The HRA reviewed the consumer's treatment plan dated 02/22/13 which states:

Short term goal: Patient will verbalize the importance of proper nutrition to RN during treatment team meetings for 72 hours.

Intervention: Nursing will educate patient on basic nutritional needs and document in consumer education book.

Short term goal: Patient will be able to state balanced and healthy food choices for one date to RN during treatment team meetings for 72 hours.

Intervention: Nursing will educate patient on basic nutritional needs and document in consumer education book.

Handwritten over this page: Resolved April 27, 2013.

Short term goal: Patient will comply with staff to correctly obtain a list of all foods that are consumed.

Interventions: Staff will monitor meal intake daily, document percentage eaten in treatment book and offer Ensure for any missed meals as ordered per Medical Director.

Short-term Goal: Patient will be compliant with weight monitoring as ordered by [Physician] [for] eight weeks.

Interventions/Rationale/Frequency: Staff will weigh patient weekly or more often as ordered by [Physician], monitoring for loss or gain and document in treatment book.

Progress notes state:

02/22/13: 1410 Admission Note ...he states he is allergic to soy, peanuts

and wheat. He is a rigid vegetarian....

03/12/13: Med note: the patient is a vegetarian with [constipation] Desires to take PO fiber...

03/29/13: Recovery Support Specialist Note...Patient request [sic] his concern about substitutions or lack thereof for his vegetarian diet was reviewed at ECMS meeting held on 03/28/13/ ECMS member supported that this concern has been addressed appropriately and no further action is required. [The consumer] was not content with the response and stated that he would address this issue through other avenues outside of AMHC. [The consumer] was advised that he has a right to do so if he wishes. AMHC would offer the consumer a third level nutritional review, but that would require lab work. [The consumer] denied this option due to his decision not to do labs.

05/06/13: The patient has gained 17 lbs. since admission has been lifting weights and says he's 5-6% body fat on a vegetarian diet. Large portioning. He says he gained weight when on Ensure, a liquid meal. Discussed not having any medical need for large portions. Patient agreed to go to regular meal portions with two milks per a meal. Will review weekly. Patient was cooperative with discussions.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE

Pursuant to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102):

(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 and the recipient's guardian.... 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.

ILLINOIS ADMINISTRATIVE CODE

Pursuant to the Illinois Administrative Code (59 Ill. Admin. Code 112.30):

1) Each person admitted to the Department in accordance with the Code [405 ILCS 5] shall have a thorough physical examination on admission and annually thereafter (see Section 1-119(2) of the Code).

A) The examination shall include an evaluation of the recipient's condition, including height, weight, blood pressure and vital signs, diagnoses, plan of medical treatment, recommendations for care, including personal care

needs, treatment orders, permission for participation in activity programs, as appropriate, and any other examinations that are required by the accrediting agencies cited in subsection (a)(1) of this Section, as well as the Standards for Services for People with Developmental Disabilities (Accreditation Council for Services for People with Developmental Disabilities (Council) 8100 Professional Place, Suite 204, Landover, Maryland 20785, 1990). The examination shall also include a visual check of the oral cavity, including lips, teeth, gums and tongue. Referral to a dental hygienist or dentist shall be completed if clinically indicated. Plans of medical treatment, recommendations for care and treatment orders shall be recorded in the recipient's individualized services plan as defined in Sections 3-209 and 4-309 of the Code.

ALTON MENTAL HEALTH PATIENT HANDBOOK

The Alton Mental Health Patient Handbook states:

The Dietary Department will provide all the necessary meals and snacks to meet your nutritional needs. Your diet has been ordered by the physician. A nutritional consultation is available upon request of your physician. If you have special dietary needs due to your religious, cultural, or lifestyle preference, please tell your physician. We will make every effort to accommodate your needs.

CONCLUSION

According to the Illinois Administrative Code, consumers shall have a comprehensive diagnostic physical examination. On completion of the comprehensive diagnostic examination; a treatment plan for any medical and dental services shall be established as part of the recipient's individualized services plan with the participation of the recipient.

Our record review verified that the Center completed the forms related to assessment which documented the consumer's desire to maintain a vegetarian diet. The HRA notes that the diet is addressed in the consumer's treatment plan and the details offered appear to meet the Code's rules. The allegation that the Center violated a consumer's rights when it did not provide appropriate diet pursuant to a treatment plan is not substantiated. The HRA does suggest that the Center consider listing special dietary requests on the Level II Nutritional Assessment.