



FOR IMMEDIATE RELEASE

Metro East Human Rights Authority
Report of Findings
Alton Mental Health Center
HRA #14-070-9026

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission completed an investigation after receiving complaints of possible rights and privilege violations in the care provided to an inpatient at Alton Mental Health Center in Alton, Illinois. Allegations are that privileges were lost, and the phone was restricted when a recipient was threatened by another recipient.

The rights of consumers receiving services at Alton Mental Health Center (AMHC) are protected by the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102a and 103).

The HRA reviewed, with written authority a portion of the clinical record of the consumer whose rights were alleged to be violated. An onsite visit was conducted in July, 2014, at which time the allegations were discussed with the consumer's facility director and the director of nursing.

Alton Mental Health Center is a medium security state-operated mental health center that serves approximately 110 individuals from across the state in its forensics program and approximately 10 individuals in its civil program. Individuals receiving civil services are primarily from Randolph, Greene, Bond, Madison and St. Clair Counties.

Findings

Interviews

In a telephone interview with a consumer of the Center's services, the HRA was informed that her telephone rights were restricted after she was threatened by a peer and the restriction lasted for three days. The consumer also reported that she lost privileges as a result of the same incident with a peer.

A site visit was completed on July 16, 2014 by a team from the Metro East HRA, and it was stated by facility representatives that this patient was placed on a phone restriction on March 1, 2014 for reasons that would be considered harassment, intimidation, and threats of bodily harm. The facility director stated that there was a phone restriction for three days. Regarding the issue of losing privileges, they said that the treatment team did not drop the patient's building pass.

Record Review

Upon reviewing this patient's record the HRA team found that the patient's treatment plan states that the patient has the following diagnoses: Schizoaffective Disorder, Depressive type (295.70) and a history of hypertension; however it also states in the file that the patient's current diagnosis is paranoid schizophrenia, unspecified with a history of hypertension. The

patient has been at the Alton Mental Health Center since September 22, 2011. The incident that caused the complaint occurred on March 1, 2014, and the record reviewed by the HRA does not document any previous altercations with other peers. The record does not state whether she uses the phone regularly, nor if she has had any repeated restrictions involving the phone or other rights. The restriction form was complete. The notice of restriction clearly states that the recipient did not want anyone to be notified of the restriction, and that was honored, and taken into account. The restriction notice form also states that the client had a verbal altercation with a peer involving the telephone. The client was described as verbally threatening and agitated. The notice of restriction shows the restriction start date as March 5, 2014 and an end date of March 6, 2014 which does not line up with the 3 day restriction listed in the other documents.

The progress note stated that the patient had to be redirected from yelling at a peer when the staff told the peer that she had ten minutes remaining on her phone call. The patient began yelling to hurry up, and to get off the phone. The patient's behavior then began to escalate as the patient yelled at the peer saying, "Get the fuck off the phone, and I'm going to let you hit me first so I can fuck you up right now". Staff were then called to the floor. A restriction of rights to use the telephone for three days was issued to the patient, and the restriction of rights form was signed, given to the patient, and put into her record.

There was no evidence in the record reviewed by the HRA that the recipient lost her privilege status.

Policy Review

The Alton Mental Health Center's policy statement, states: It is the policy of the Alton Mental Health Center (AMHC) that patient rights will not be restricted without cause or without due process.

AMHC's policy about telephone restriction states:

A patient's outgoing telephone call may be restricted by the treatment team if the patient uses the telephone to engage in illicit or harassing type of behavior (such as repeatedly calling the Police, 911, or other types of services). In addition, a patient's outgoing telephone calls to a specific party may be restricted at the request of the receiving party, and that request is submitted to the treatment team in writing, along with a rationale for the restriction.

A patient's incoming calls can be restricted either at the patient's request, or with the judgment of the treatment team if such calls are detrimental to the ongoing mental status of the patient (either all calls or from specific individuals/entities).

AMHC's process for suspending and reinstating privileges:

Any privilege may be suspended by the treating psychiatrist for an indefinite period of time in response to changes in the patient's clinical condition. Such changes may include deterioration clinically to the point that the patient poses a

threat of harm to himself/herself or others, or that the patient has stopped meeting designated treatment goals necessary to sustain the privilege (i.e., is not attending programming that was specified privilege level) or that his/her presence in activities off the unit will be disruptive to other patients in attendance, or has attempted to bring confirmed dangerous contraband onto the living unit, or has consumed or is in the possession of drugs not prescribed by the treating psychiatrist, Medical Physician, or MOD. **At no time should privileges be suspended as a punishment for behaviors unrelated to safety,** interference with treatment of other patients or progress in treatment directly related to sustaining privileges as written in the treatment plan.

Conclusion

Pursuant to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103),

“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/her choice by mail, telephone, and visitation.

- (a) The facility director shall ensure the 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.
- (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.”

Also under the Code (405 ILCS 5/2-102a),

“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 AMHC Restriction of Telephone calls, Mail, Visitors, or Other Communications policy follows Section 2-103 of the Mental Health and Developmental Disabilities Code. The notice of restriction states, “Client had a verbal altercation with a peer involving the telephone. Client was verbally threatening and agitated”. The restriction notice provides evidence that there were threats of bodily harm to a peer; therefore, the Code’s requirements for the restriction are met. The HRA could not find any evidence, either in the file or facility policies, as to why the three days was the appropriate amount of time for the restriction. It is noted that the treatment team did discuss the incident, and decided on the three-day restriction.

The Metro East HRA found no evidence to substantiate the claim that the patient unjustly received a communication restriction when threatened by another recipient. Instead, record documentation indicates that the recipient threatened physical violence towards a peer which

resulted in the restriction of the phone. Facility staff reported that the recipient did not lose her privilege status and the HRA found no evidence of her privilege status changing. However, if her privileges had been reduced due to the incident, facility policy allows for suspended privileges due to a clinical condition, when there is a threat of harm, etc. Based on its findings the HRA concludes that no recipient rights or facility policies were violated in this case.

Suggestions

- 1.) Ensure recipients understand time frames for calls.
- 2.) Clearly document and ensure recipients are informed of the time frame for restrictions.
- 3.) Remind recipients how they can appropriately bring phone issues to the staff's attention.