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Metro East Regional Human Rights Authority
Report of Findings
Alton Mental Health Center
Case #14-070-9035

The Metro East Regional Human Rights Authority (HRA), a division of the Illinois Guardianship and Advocacy Commission, accepted for investigation the following allegation concerning Alton Mental Health Center:

A service recipient was denied access to two books, both dictionaries, and he has been non-violent for seven years.

If found to be a substantiated rights violation, the complaint would represent a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-100 et seq.) and regulations that govern state-operated mental health facilities (59 Ill. Admin. Code 102, 109, and 110).

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.

To investigate the allegation, an HRA team met with facility administrators, examined a recipient's record, with written authorization, and reviewed pertinent policies.

Interviews

By telephone, the HRA interviewed a consumer of services who reported that he received two dictionaries in the mail but he was denied access to these items on the grounds that they could be used as a weapon. The consumer stated that he has not had any incidents of aggression for seven years.

The HRA team met with and interviewed administrative staff of the facility. According to the facility, the number of books allowed and the sizes/weights of books are addressed in the facility's personal property and contraband policies and apply to both the civil and forensic units. Each recipient is allowed to possess up to 6 books but the weight of books is a consideration due to the potential that such items could be used as a weapon and present a physical safety risk. Staff noted that recipients may exchange books as well. The city library allows recipients to check out books using a facility library card. The appropriateness of an item is reviewed by the treatment team and some items can be kept in a lock box or at the nurses' station storage unit for checking out, via a signed form, once per week. The facility noted that there is an opportunity for recipients to participate in advanced, on-line learning through area colleges.

With regard to the recipient in this case, the facility reported that on 04-03-14, the recipient signed a Webster Dictionary into his personal property storage. On 04-16-14, a Black Law Dictionary was sent to his personal property storage. On 05-12-14, both items were returned to him to be mailed out. Other property, including a 3MP player, cords and earbuds were placed in

and taken out of the recipient's personal property storage. The recipient signed an acknowledgement of placing the items into property storage. The facility stated that there was no restriction of rights as the property movement was voluntary. The facility stated that the recipient does know how and has filed complaint forms and the facility has provided timely responses.

Record Review

With the recipient's consent, the HRA examined portions of the recipient's record, including documentation related to personal property. Personal property receipts dating back to September 2013 indicate that items coming into the recipient were reviewed, given to the recipient or sent to storage; in addition, the records indicate when the recipient accessed these items as well as any treatment team reviews. Some examples of the property receipt information include the following:

09-03-13: The social worker notified the treatment team that the recipient requested that access to his clock radio be reviewed by his treatment team.

09-04-13: A package being sent by the recipient was returned indicating that only one package can be mailed each month.

10-02-13: The social worker again asked that the treatment team approve the recipient's access to his clock radio from property so that he can mail it to family but had to wait until October 1st when he receives a new allotment for monthly postage. The information noted that this request was completed.

04-02-14: The recipient signed a personal property receipt form for a Webster's Dictionary.

Unknown date: A Webster's Dictionary was being returned to personal property.

04-15-14: The recipient signed a personal property receipt for a Blacks Law Dictionary.

05-12-14: A personal property release form indicated that the Blacks Law and Webster's Dictionaries were released from personal property storage with a note, "to be mailed out."

Unknown date: A property release form documented the release of an MP3 Player and USB Cord (date unknown) but not a calculator documenting "No per Team."

The HRA also examined one restriction of rights form issued in the past year dating back to September 2013 related to property. The form, for 01-04-14, documented that the recipient was given emergency medication when he charged at and threatened a peer alleging that the peer took his MP3 player.

In a review of progress notes, a note dated 04-14-14 stated that the recipient received a Blacks Law Dictionary which will be reviewed by the team and placed in the nurse's station. The note stated that the recipient was very argumentative about the book. A note from 06-26-14 indicated that the recipient received a package in the mail that contained two dictionaries which were given to the patient and placed in his room. The HRA found no other documentation in the

progress notes regarding the dictionaries. A note from 07-11-14 indicated an MP3 player was mailed to family. Another note dated 05-06-14 indicated that the recipient had his headphones on. Progress notes also indicated periodic incidents of argumentativeness, verbal aggression, and at least a couple administrations of emergency medication.

Finally, the HRA examined complaints filed by the recipient. One complaint concerned an incident involving access to shaving and the other concerned the time frame of trust fund disbursements. The HRA did not find any complaints regarding access to the books.

Policy Review

The facility policy entitled, "Personal Property and Funds (Trust Fund), Handling Patients," states the following:

Patients are permitted to use personal property as they desire, except for items which are dangerous, or for items used inappropriately....As part of the admission process, the patient's personal belongings are accounted for and checked for dangerousness. Due to storage space in the security personal property, each patient is allowed one (1) document box...for storage; all extra property is sent to the patient's home....Items from personal property will only be checked out on a monthly basis....The Personal Property Receipt..., is completed for all property kept at the facility and retained by the patient, items put in grooming boxes, contraband items given to security and those items sent to the security office....All articles not considered safe – lighters, nail clippers, pocket knives, and razors will be listed on the Personal Property Receipt and sent to the security office. Weapons and dangerous items considered as such will be given directly to security at the time of admission with documentation made to that effect....

Mandates

The Mental Health and Developmental Disabilities Code (405 ILCS 5/2-104) guarantees the following:

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. (b) The professional responsible for overseeing the implementation of a recipient's services plan may, with the approval of the facility director, restrict the right to property when necessary to protect such recipient or others from harm....

The Code's Section 5/2-201 requires the issuance of a restriction notice when rights are restricted.

Personal property in state-operated facilities is further addressed in the Illinois Administrative Code (59 Ill. Admin. Code 110). Section 110.5 defines "contraband" as "...items that are illegal for an individual to have in their possession or are legal but considered dangerous for patients to

have on units....Such items shall be confiscated by staff of the Security Department and turned over to the proper authorities or destroyed.” This same section defines “restricted items” as “...items that may be returned to the patient or his/her designee upon discharge but are restricted...such items shall be restricted from being in the possession of the patient while a patient is at the facility.”

The Illinois Administrative Code (59 Ill. Admin. Code 110.30) provides further guidance on personal property in state-operated mental health facilities in Section 110.30 which states the following: certain property classes can be restricted to protect from harm as long as notice is given upon admission; property is to be inventoried at admission with contraband and restricted items either being sent to personal storage or to family; and treatment teams are to approve personal property items. “Any personal property that the treatment team determines, in the exercise of its professional judgment, may pose harm to the individual or to others shall be restricted. Property shall not be restricted on political, philosophical or religious grounds....A restriction notice shall be issued in accordance with the Mental health and Developmental Disabilities Code [405 ILCS 5/2-201] within 48 hours. When the restriction of rights is issued, the treatment team member shall inform the individual of his/her ability to request a review....The individual will have the option of placing the personal property in storage or returning it to its place of origin....Property maintained in each individual’s room must fit within available storage space....If an individual does not agree with the decision of the treatment team concerning the restriction of an item, the individual may request a review of that decision by a clinician who is not part of the treatment team. Decisions concerning contraband or items on the restricted list...are not subject to review.” Contraband items are also listed and include alcohol, drugs, and weapons. The Code further states that property restrictions are not to be used as punishment and there shall be annual training on the property section of the Administrative Code.

Conclusion

The complaint alleges that a service recipient was denied access to two books, both dictionaries, and he has been non-violent for seven years. Staff reported and the record indicates that the recipient received the dictionaries in April 2014. It appears from property receipt forms that the dictionaries were signed into and out of personal property storage, thus the recipient had access to them. In addition, it appeared that the dictionaries were mailed out in May 2014. Then, in June 2014, progress notes indicated that the recipient received dictionaries in the mail and they were placed in his room. The HRA noted that a 04-14-14 progress note stated that a treatment team would review the dictionaries, the dictionaries would be placed at the nursing station and the recipient became argumentative which suggests the possibility of a restriction but there was no follow-up documentation. There is no evidence to indicate that the recipient was denied access to the dictionaries as per the complaint. In addition, there was no evidence to indicate that the placement of the dictionaries in personal storage represented a restriction as the recipient appeared to sign them into storage, there was no restriction notice and there was no complaint or review request. In addition, when dictionaries arrived at a later date, progress notes indicated that they were given to the recipient and placed in his room. The HRA did find evidence of other property that was reviewed by the treatment team and restricted followed by a restriction notice. The Mental Health Code allows for recipients to have access to personal property unless

restricted to protect the recipient or others from harm. The Administrative Code indicates that property can be restricted or approved by the treatment team. If a recipient disagrees with the team's decision, he can request a review. Furthermore, a recipient has the option of placing items in personal property storage. The facility's policy on personal property appears consistent with the Mental Health and Administrative Code requirements. Based on the available evidence, the HRA does not substantiate the complaint that a recipient was denied access to two dictionaries. The HRA does offer the following suggestion:

Ensure the provision of treatment team reviews and restriction notices when property is restricted.