



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-EGYPTIAN REGION

REPORT OF FINDINGS

Case # 21-110-9021

Chester Mental Health Center

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations at Chester Mental Health Center. The complaint alleged the following:

Complaints:

- 1. Inadequate care of a mental health patient with excessive weight loss.**
- 2. Inappropriate restriction of rights due to lack of accessibility to personal property.**

If found substantiated, the allegation violates protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-100).

Complaint Summary: The complaint alleges inadequate care of the individual in regard to their approximate thirty-pound weight loss since being admitted. Allegedly, the individual's excessive weight loss was not addressed, and the facility did not do enough to provide the patient with the proper care to stop and reverse the patient's excessive weight loss. Furthermore, the complaint alleges an inappropriate restriction of property rights. Allegedly, the patient was denied having items such as library books, clothing, and condiment packets. The complaint also alleged that the staff of the facility conduct daily shakedowns of the patient's cell.

Investigation:

To pursue the matter, the HRA communicated via email with staff and the center representatives. Relevant practices and policies were reviewed.

Interviews:

The HRA interviewed the complainant who stated that the patient was barely eating enough food and has lost weight. According to the complainant, the patient "looks like a skeleton." The HRA received correspondence from the patient. The patient stated on May 7, 2021, that they were 141 pounds at 5'9" and can see their ribs. The patient requested to see a dietician around May 26, 2021. The patient stated that their condiment packets have been removed from their meal tray and that they have received personal property restrictions. According to the patient, they are being restricted from library books, personal clothing, and are experiencing shakedowns every day. The HRA communicated via email with staff of Chester Mental Health Center regarding the complaints due to COVID outbreaks at the facility.

Policy Review:

The HRA received a copy of Chester Mental Health Center's Patient Handbook which states: "Property: In general, you are entitled to receive, possess, and use personal property unless it is determined that certain items are harmful to you or others...Refusing Services: You or your guardian have the right to refuse services. If you

refuse, you will not be given such services, except when necessary to prevent you from causing harm to yourself or others”

The HRA reviewed Chester Mental Health Center’s Clothing & Personal Property policy which states “You are permitted to have a maximum of five sets of clothing, one pair of regular shoes, one pair of shower shoes, one belt provided by the facility and one jacket (if needed)....Check out time is for a two-week period and may be renewed for an additional two weeks. Up to six items may be checked out, but the librarian can allow more or less depending on the responsibility of the patient....”

The HRA reviewed Chester Mental Health Center’s Contraband policy which states “You will be ‘patted down’ to check for contraband on a regular basis, when you leave and return to your living unit. At least twice a month your room and person will be searched more thoroughly for contraband...The following items are **prohibited** from use and are considered contraband items and will be placed in personal storage or sent to family/friend at the patient’s expense: ... any food item(s)...rubber bands...any clothing or items that...may be deemed detrimental to the recovery process....”

The HRA reviewed Chester Mental Health Center’s Property policy which states “Patients are permitted to keep and display personal property in their rooms based upon their ability to properly maintain these items in an orderly fashion. Items approved for use by patients in their rooms include the following...Maximum of ten books or magazines (to include library books/magazines)...Direct care staff shall assist and encourage patients to enhance personal hygiene, grooming, and health by providing the following facility approved items:... soap... Patients are not allowed to trade, sell, or loan personal property to other patients....Any item deemed by the Hospital Administrator to be a danger to the patient or others may be prohibited or restricted through the restriction of rights process documented on form IL462-2004 M (formerly MGDD-4)... Some property items have been identified as ‘contraband’ for patients due to the item being potentially harmful or subject to potential abuse and to protect the patient and others from harm as determined by the Hospital Administrator....”

The HRA reviewed Chester Mental Health Center’s Treatment Plan policy which states “Chester Mental Health Center shall ensure that each individual is receiving active treatment to address problem areas which precipitated hospitalization. Treatment planning is an ongoing process in which problems, goals, objectives and interventions are identified and monitored. The multi-disciplinary treatment planning process is to be documented upon admission and throughout a patient’s stay via assessments, treatment plan, treatment plan reviews, progress notes and other documentation....Each person attending the treatment plan review will sign in with signature and title on the Treatment Plan/Review Attendance Record (CMHC-811F). Additionally, the Treating Psychiatrist will be listed as the person responsible for ensuring prescribed treatment is appropriate and occurs as specified. This will be validated by the treating Psychiatrists signing the treatment plan...It is the responsibility of all disciplines to participate in the development of a multidisciplinary treatment plan. It is the responsibility of the primary therapist to serve as the coordinator of the treatment plan, ensuring the following: the plan is comprehensive and individualized based upon the assessment of the individual’s clinical needs, strengths and limitations and is written in behaviorally defined and measurable terms....”

The HRA reviewed Chester Mental Health Center’s Patient Rights policy which states “It is the policy of Chester Mental Health Center (CMHC) to respect the rights of patients and not to abridge said rights without cause and without due process. Restrictions, as such, should have a clinical rationale and serve to facilitate a therapeutic treatment setting. Each patient admitted to Chester Mental Health Center shall be treated with respect and shall be ensured of all rights under Sections 2-100 to 2-111 of the Mental Health and Developmental Disabilities Code. Restrictions of rights and corresponding rationale shall be properly

documented in the patient's clinical arecords....All patients have the right to their personal property. If the patient's clinical condition warrants removal of personal property or limiting access to specific personal property then it will be considered a restriction...If a patient is restricting from accessing his personal property, a restriction of right has to be issued. The notification of the restriction must indicate where his property will be stored during the restriction and whether or not he will be allowed to access it....A restriction of a patient's rights should be based on clinical assessment of the patent and/or the situation....If any patient's rights are restricted the restriction will be documented...A formal review of restriction must be conducted weekly by the treatment team and documented as completed on REVIEW OF PATIENT RGHTS RESTRICTIONS CMHC-774. A progress note shall be included in the patient's chart...."

Records Review:

The HRA reviewed a treatment plan for the patient dated June 2, 2021. The treatment plan stated that a property restriction occurred due to contraband in the patient's room. Staff discussed the restriction with the patient. Staff continued to conduct searches of his room and find items including peer's clothing, several bars of soap, writing on mirror, and rubber bands. Staff explained to the patient that if they can go two weeks without items in their room, their restriction can be lifted. The treatment plan also states that staff complete daily shakedowns of the patient's room and continue to find contraband in the patient's room despite them knowing the criteria of being discontinued from property restriction. The progress notes from February 5, 2021, stated that the patient may have condiments on tray but not in packages. The patient hoards the condiment packets in their room. The progress notes from March 23, 2021, stated that the property restriction continues due to having contraband in their room. The patient most recently brought grass in from the yard. The progress notes from May 1, 2021, stated that the patient requested to see his dietician about him being skinny. The progress notes from May 11, 2021, stated that the patient continually requested to see their dietician because they were 148 pounds.

The HRA reviewed correspondence with the Hospital Administrator. On June 23, 2021, the Hospital Administrator stated that the patient weighed 157 pounds on December 30, 2020. The patient refused to comply with weights in January and February and the patient's weight was monitored. The patient was referred to the dietician on January 4, 2021, March 22, 2021, May 22, 2021, and May 31, 2021. Fortified pudding was ordered twice daily and the patient refused the pudding. In June, the patient's weight was 135 pounds (IBW is 144-170). The patient refused to eat processed food. The patient stated that they give away food if a peer asks for a certain item. The patient was placed on 1:1 observation during meals to ensure the patient does not give away food. The patient was referred for a Gastrointestinal (GI) consult and was also placed on an increased calorie diet.

The HRA reviewed a Body Mass Index (BMI) calculation. The patient is 5'9" and weighs 141 pounds. The BMI calculation is 20.8.

The HRA reviewed Monthly Nursing Re-Assessment Notes. The Notes list the patient's ideal body weight (IBW) as 122-150 pounds. The Note dated May 16, 2021, through May 31, 2021, describe the patient as having a weight change of minus 11 pounds. The patient weighed 141 pounds before the assessment and during the time period of the assessment weighed 135 pounds. The patient was referred to the dietician in regard to their increased weight loss. The Assessment Note dating January 12, 2020, to February 9, 2021, has the patient's weight listed at 157 pounds.

The HRA reviewed the Consultation and Referral Notes. The patient had a consultation visit on September 10, 2021, with a specialty clinic. The Specialist confirmed the patient's problem of weight loss and recorded their height at 70 inches, their weight at 144.998 pounds, and their body mass index at 20.8 kg/m². The Specialist noted the patient's plan, which includes the patient eating more and ensuring that the patient increases their

calorie intake. The patient had a dietary referral on March 20, 2021. The dietician noted that the patient had a 20-pound weight loss in the past 6 months. On the Dietician Referral dated May 31, 2021, the dietician noted that the patient was consistently losing weight. The last recorded weight on May 31, 2021, was 135 pounds. The patient was on a regular diet and fortified pudding twice per day (BID). The patient was refusing the fortified pudding.

The HRA reviewed the Notice Regarding Restricted Rights of Individuals. The Notice dated March 2, 2021, to March 30, 2021, stated that the patient continued to have contraband in his room daily. Staff conducted shakedowns daily to find items hidden. The patient disregards rules and direction as per notes. The Notices dating May 19, 2021, to June 16, 2021, and June 15, 2021, to July 13, 2021, stated that the staff conducted shakedowns and found food, cups, and other miscellaneous items weekly.

Mandate Review:

The Mental Health and Developmental Disabilities Code (405 ILCS 5) states “ ‘Adequate and human care and services’ means reasonably calculated to result in significant improvement of the condition of a recipient of services confined in an inpatient mental health facility so that he or she may be released or services reasonably calculated to prevent further decline in the clinical condition of a recipient of services so that he or she does not present an imminent danger to self or others” (405 ILCS 5/1-101.2). Another section of the Code reads “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 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” (405 ILCS 5/2-104).

Conclusions:

Complaint 1. Inadequate Care

The complaint alleged inadequate care due to Chester Mental Health Center not taking appropriate action for the patient’s excessive weight loss. The individual has lost approximately thirty pounds in less than six months that they were at the facility and “looked like a skeleton” according to the complainant. The individual addressed their weight loss concerns with staff and was referred to the dietician and medical staff. The individual met with the dietician and received medical consults on 1/4/21, 3/20/21, 5/22/21, 5/31/21, and 9/10/21. The dietician and medical staff placed the individual on a diet of fortified pudding and an increase in calories. The individual refused the consumption of fortified pudding stating that they would not eat processed foods. While there is no documentation or evidence in the record, the facility staff claimed that the individual was trading or giving up their food. The individual was referred for a GI consultation and met with a dietician every sixty days. The individual was placed on a 1:1 observation during meal time in order to ensure the individual was getting the food intake that was in their diet.

Based on the findings above as documented in the individual’s record, the Egyptian Human Rights Authority concludes that the individual’s rights were not violated because the facility and staff have been doing what they can to help with the patient’s excessive weight loss. Therefore, the claim of inadequate care is **unsubstantiated**.

The HRA **strongly suggests** Chester Mental Health Center communicate with the patient and figure out a treatment plan in order to replace the fortified pudding with a more appropriate and agreeable option for the patient. The HRA **strongly suggests** Chester Mental Health Center take appropriate medical action and address medical issues more efficiently.

Complaint 2. Inappropriate Restriction of Rights

The complaint alleged an inappropriate restriction of rights due to Chester Mental Health Center revoking the patient's access to personal property such as condiment packets, library books, and clothing. According to the individual's record, conducted "shakedowns" to search for contraband. The individual's record stated that the patient was allowed condiments on their meal tray, however, they were restricted from having condiment packets as a result of staff finding the packets hoarded in the individual's room. Facility staff stated the individual was found with peer's clothing, several bars of soap, writing on mirror, and rubber bands. Rubber bands are included in the procedure policy as prohibited, and there are limitations to the type and amount of clothing an individual can possess. When placed on rights restrictions, the individual was notified, and staff discussed the terms to be taken off the restriction. The individual was told that they had to go two weeks without staff finding contraband in order to remove the rights restriction. There is no record or evidence that the individual was restricted from personal clothing or access to library books.

Based on the findings above as documented in the individual's record, the Egyptian Human Rights Authority concludes that the individual's rights were not violated because the individual had access to condiments on their meal trays and there is no evidence of a restriction of personal clothing and library books. The individual was notified of their rights restriction and were given the criteria to lift the restriction. Therefore, the claim of inappropriate restriction of rights is **unsubstantiated**.

The HRA **strongly suggests** Chester Mental Health Center removes the phrase "shakedown" from their terminology and replace with a phrase that is more positive. The HRA **strongly suggests** Chester Mental Health Center improves their contraband policies and rights restriction forms to include more specific verbiage regarding what is contraband and the violations of the patient.