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**FOR IMMEDIATE RELEASE**

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HUMAN RIGHTS AUTHORITY-NORTH SUBURBAN REGION

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REPORT 20-100-9016  
ELGIN MENTAL HEALTH CENTER

## INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving complaints of potential rights violations in the care provided to a patient in the forensic treatment program at the Department of Human Services' Elgin Mental Health Center. Allegations were that the patient was not provided adequate, humane, and individual services in the least restrictive environment. Substantiated findings would violate protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5).

The forensic treatment program at Elgin has over three hundred beds where those adjudicated as Unfit to Stand Trial (UST) or Not Guilty by Reason of Insanity (NGRI) are subject to the same rights as civil patients under Chapter II of the Mental Health Code. To pursue the matter, an HRA team interviewed the patient's psychiatrist and a social worker. Relevant policies were reviewed as was the patient's record with authorization.

## COMPLAINT SUMMARY

The claim was that this patient was undergoing male to female gender transitioning while at the facility and his request to shave his entire body whenever showering was denied. Although he had a severe aversion to body hair that causes emotional trauma, he was allegedly made to shower daily without shaving and without his views being adequately considered.

## FINDINGS

The record revealed a thirty-one-year-old male, UST patient remanded by the courts to Elgin on February 4, 2020. The initial psychiatric evaluation listed bipolar disorder with psychosis and a medical history of gender dysphoria/gender fluidity, however the dysphoria was

not identified as an ongoing medical issue to address in the comprehensive evaluation or treatment plan.

The first documented reference to the patient's unique request appeared in social work notes on February 5. According to the note, the patient told staff that he would not be showering if he was unable to shave his body hair, which seeing makes him think of suicide. He was offered the chance to shower by himself and he declined, restating his desire to shave, and they agreed to discuss it further with the whole treatment team at an upcoming meeting. In a second reference following the treatment team meeting on the 6<sup>th</sup>, the psychiatrist wrote that the patient's request was under discussion and that it would be further reviewed by administration; the patient was otherwise said to be adjusting well to the unit.

Elgin provided a series of related email chains between various administrators, including physicians, security and forensic program leaders. To summarize their back and forth on the subject, the group determined for safety to stick to the general rule that after ten days patients can shave their facial hair if not on special observations and that no one, not even females, were allowed to shave their body hair. This patient's request would be denied but he would also not be required to shower every day. A social work note stated that the heads of clinical and the forensic program visited the patient to talk about their decision and the need to maintain safety. The patient seemed to be accepting and there was no further discussion.

Entries from social work, psychiatry and psychology over the next month reflected the patient's adjustments to the milieu and progress with therapies and individual counseling. He was noted to be showering about twice per week; he was eating and sleeping well and there were no observed expressions of self-harm or suicidal ideation. He was sent back to court soon after.

The HRA spoke with the patient's treating psychiatrist and his social worker. Both recalled the patient well and said that he had previously been taking hormones for a period but stopped the transitioning process before he got to Elgin. The psychiatrist explained that the history of gender dysphoria was a medical issue in nature and there was nothing to address in his psychiatric treatment plan. The staff talked of the hazardous issues with razors to the body and the need to ensure everyone's safety. They reiterated that the patient was allowed to shower alone, which he did first thing in the morning and that at no time was he required to shower daily. They believed they gave due consideration to his request and took his concerns to the top, and although he did not like the outcome, he chose to shower regularly, about twice per week. He was closely monitored in the meantime and seemed to be fine.

## CONCLUSION

Elgin Mental Health Center's policies state that "Appropriate, individualized treatment services shall be provided to each patient."

Under the Mental Health 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. .... 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 5/2-102a).*

The patient requested that individual, less restrictive concessions be made in light of his gender transitioning status while he remained at Elgin Mental Health Center. The social worker immediately allowed a concession to shower alone, then took the matter to the treatment team and the psychiatrist. The treatment team approached facility and program leaders who in turn visited with the patient to explain their overriding concerns with his request. Elgin is required to “consider” the patient’s views, which seemed to be adequately done in protection not violation of his right to adequate and humane care and there were no observable clinical needs to accommodate. A rights violation is unsubstantiated.

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## **RESPONSE**

**Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.**

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JB Pritzker, Governor

Illinois Department of Human Services

Grace B. Hou, Secretary

Elgin Mental Health Center  
750 South State Street • Elgin, IL 60123

October 26, 2020

Ms. Teri Steinberg, Chairperson  
Illinois Guardianship and Advocacy Commission  
9511 Harrison Street, W-335  
Des Plaines, IL 60016-1565

HRA# 20-100-9016

Dear Ms. Steinberg:

Thank you for your thorough review. We are happy to hear these allegations are unsubstantiated. EMHC always strives to provide treatment that is tailored to each individual, compassionate, humane and provided in the least restrictive setting. It is pleasing to hear from an outside source the great work that this treatment team in their consideration of the patient's concerns, their adaptation to the milieu to keep the environment safe and as comfortable for the patient during their stay here.

Please feel free to include our response with any public release of your Report of Findings.

Sincerely,

Michelle Evans, DSW  
Hospital Administrator

ME/TZ/tms