



FOR IMMEDIATE RELEASE

Northwest Regional Human Rights Authority

Report of Findings

Case #20-080-9008

Robert Young Center (UnityPoint Health-Trinity) Moline, IL

Introduction

The Human Rights Authority (HRA) opened an investigation into potential rights violations at Robert Young Mental Health Center (UnityPoint Health - Trinity) in Moline, Illinois. The complaints brought forward were that the facility did not consider the participant's right to confidentiality. Substantiated findings would violate protections under the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/5) and the Substance Abuse Disorder Act (20 ILCS 301).

UnityPoint Health – Robert Young Center in Moline, Illinois is regionally located in the Quad Cities area with four full-service hospitals, clinics, a home health agency, a mental health center and a health sciences college. The mental health center serviced 25,000 patients with a quarter million visits in the last year. The HRA conducted a teleconference call and discussed the complaint with representatives from the administration and mental health team-and reviewed the patient's record with authorization.

Complaint Summary

According to the complaint, a therapist (name not provided) allegedly shared sensitive information about a counseling participant with that participant's partner in a separate counseling session.

Findings

Per the records received, the participant was involved in intensive outpatient substance abuse treatment group sessions which were set for 4 times a week at 3 hours each. The individual sessions were assigned "as requested or required" and individual therapy sessions focused on sobriety. Reviewing the records, the feedback focused on the participant's level of engagement and established goals that focused on being successful in the individual's quest for sobriety. The records received by the HRA included: group and individual counseling notes from August 2019 through September 2019, in which there was minimal documentation disclosing any personal information being shared. During this time, the individual completed four individual sessions and twenty-six group sessions; counselor A facilitated all the individual sessions and twenty-one of the group sessions. The remaining five sessions were completed by the individual with three other counselors, which were provided as follows: three sessions with counselor B, one session with counselor C and one session with counselor D. Per the site visit, there was no mention or documentation to show that the participant contacted the Robert Young Center Customer Service

or any of the counselors to file a complaint or grievance regarding confidentiality in those settings.

Interviews

Chief Operations Officer

The Chief Operations Officer (COO), offered that the facility had a quarter of million patient visits and 25,000 patients were seen for unduplicated services. The Riverside location is a hospital based chemical dependency treatment program that offers inpatient and outpatient services. When discussing the process of requesting a new service provider or having issues with their service provider, which differs from that of the hospital, the participant can inform their current counselor or the front desk personnel (who are in the support services division) that they wish or want a new provider for whatever the reason is. If the participant does not believe the issue has been resolved, the next step would be to reach out to the agency's toll-free number or go directly to the compliancy office to discuss and speak directly with the compliancy officer.

The HRA posed the issue of the agency offering services to couples at the facility and how this is addressed. As stated in the complaint summary, the complaint alleged that sensitive information was shared with another party, who was reported to be the participant's partner. The COO stated if approached by a couple or individuals considered to be significant others who want to receive therapeutic services together, the agency would provide outside referrals and not engage in couples' therapy.

Director of Support Services Support Services

The Director of Support Services provided a listing of forms that the participant completes, acknowledges receipt of and signs in their intake session. The forms included in the intake packet are the consent and authorization for release of information to other agencies/entities, authorizations and conditions of treatment, client rights, and client responsibilities. The records received for this case included the following: signed consent and authorization forms for release of information to the HRA, authorizations and conditions of treatment packet (which included: confidentiality rights, client's rights, authorization for treatment, independent physician clause, release of information/medical record diagnosis, assignment of insurance benefits and agreement to pay, acknowledgement of telephone contact and messaging practices, agreement to file an appeal on my behalf, hospital policies, acknowledgment, and notice of privacy practices).

Manager of RYC/CADS Outpatient Substance Abuse Disorder Treatment & Prevention

The Manager of Outpatient Substance Abuse Disorder Treatment & Prevention detailed the intake process. The steps are as follows: a participant would contact central scheduling for an appointment and then complete an assessment and a substance abuse disorder placement screening through the assessment center. If the assessment center deems that outpatient services are warranted, an outpatient clinician completes a treatment planning session (which includes group and individual sessions) or the participant is determined to need a higher level of detox, which typically leads to hospitalization.

The Manager specified that no information is shared regarding a participant with others, unless there is a signed consent by that participant. The Manager offered the following remedies to address conflicts or issues that may arise between the participant and their provider: 1) a participant can move to a new provider based on availability of their schedule and 2) a participant may opt to enroll into a group or individual counseling setting. When dealing with a known couple who are receiving services at the agency, each gender receives separate group counseling session times with different providers. While receiving these services, the same clinician will not deliver services to individuals who are considered a “couple” or with familial ties. The agency enlists the corporate compliance officer who launches a complaint investigation should a participant report that a clinician shared privileged information without authorization.

Director of Risk Management UnityPoint: Trinity

The Director of Risk Management stated that there are two ways a complaint or grievance can be addressed through the health system. There is an internal hotline number, which is accessible twenty-four a day; participants can also present a letter addressing the issues. There are posters throughout the healthcare system that explain the process, and the entities where complaints and grievances can be received. The agency has a seven-day turn around response time to the complainant or griever. If the participant wants to change their provider for any reason, there is an inpatient form to be completed to request this change. The Director pointed out that based on the Health Insurance Portability Accountability Act (HIPAA), the agency is unable to acknowledge if an individual is receiving services and the agency’s job is to protect the client’s privacy. The Director reassured there were no complaints from this participant regarding services, treatment, or any other issues.

Agency Policy Review

The “**Client Rights**” policy’s purpose is that each recipient will be told of how the process of confidentiality is followed pertaining to their involvement with the agency. It is pointed out in the policy, that the client’s confidentiality is protected unless allowable by federal law and the participant’s written consent to share information. The policy also details in a two-page document what the recipient’s rights are and what entities can be contacted, if they believe their rights are violated. In reviewing the directive provided for the substance program regarding “client rights” it is specific, detailed and points out that the purpose is to ensure all rights of participants (legal and human rights) are protected. It would be beneficial if this directive is included in the overall main “client rights” for any recipient of services through the center.

The “**Code of Ethics**” policy, looks at providing a standard for what employees’ ethical behavior should exhibit, unfortunately it is geared towards one specific department in the agency and not the entire agency as a whole. This policy would be useful for all employees, so there would be a uniformed acceptance of behavior towards colleagues, outside agencies and clients. A uniformly followed policy could outline the consequence if the policy was not followed in any interactions.

The “**Code of Conduct**” policy, looks at providing a standard for what employees, administrators and volunteers should follow when representing the organization, promoting the organizations’ integrity and efforts to achieve the mission. This policy has a section on “conflicts of interest”, which does not discuss an employee and their interactions/dealings with patients who might be a couple/family (there are no safeguards). This policy, procedures and outcomes would be useful for all employees and agency affiliates by outlining the consequences for not upholding the code of conduct.

The HRA did receive additional documents that were labeled as directives, which were specific to the “Center for Alcohol & Drug Services, Incorporated”; it is not clear if the directives are in some way included as part of the participant’s intake packet or given to employees as reference. It would be pertinent, if this information was integrated into the authorization and conditions of treatment forms that are signed and reviewed by the participants to gain a better understanding of the program and its expectations.

Conclusion

Complaint: The facility did not consider the participant’s right to confidentiality.

Per the Mental Health and Developmental Disabilities Confidentiality Act and the Substance Use Disorder Act, information pertaining to a participant can only be shared with others, via written consent by the recipient (740 ILCS 110/3;4 and 20 ILCS 301/30-5(bb)). There is no evidence provided that through the substance abuse sessions, an agency therapist disregarded a participant’s right to consent to disclosure as per the received records or site visit discussion. The complaint that the facility did not consider a participant’s right to consent for disclosure is **unsubstantiated**; there is no documented evidence that a therapist shared sensitive information, there was no identified inappropriate disclosures by the therapist in question, no documented request for a provider change and no internal complaints or grievances filed through the agency’s compliancy unit.

Suggestion

The HRA offers the following suggestions:

- 1) UnityPoint Health – Robert Young Center should revise the intake packet for participants through the following actions: 1) move the confidentiality and client rights page to the beginning of the packet and 2) place the signature page at the end of the packet. The rationale is that this will enable participants to fully grasp the purpose of the document, the responsibilities of the facility and their responsibilities as a client, before signing.
- 2) Once a counselor has been assigned to a participant, revisit the confidentiality and client rights documents, and add a signature line for the client and assigned counselor to sign. The rationale is this will assist the participant in developing trust with counselor and reiterates the responsibilities of both parties.

- 3) UnityPoint Health – Robert Young Center should revise the **“Authorizations and Conditions of Treatment”** page four to include in-depth details regarding the two options presented by the Director of Risk Management in filing a complaint or grievance, although, it was stated that the process to file a complaint or grievance is posted throughout the facility.
- 4) It would be beneficial, that policies such as the **“Code of Ethics”** and **“Code of Conduct”** policies, provide a uniform level of guidance, responsibility and accountability to all employees that are part of the Unity Point family. The rationale is that the behavior and expectations of staff interactions with participants are generally the same, regardless of where within the system an employee works.

The HRA would like to thank the staff and administrators of the Robert Young Center (UnityPoint Health-Trinity) in Moline, IL for their cooperation with this investigation.

RESPONSE

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