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**HUMAN RIGHTS AUTHORITY- CHICAGO REGION**

**REPORT 08-030-9002  
LORETTO HOSPITAL**

Case Summary: The HRA did not substantiate the complaint that the hospital administered psychotropic medication without the recipient's consent absent an emergency.

**INTRODUCTION**

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Loretto Hospital. It was alleged that the facility did not follow Mental Health Code procedures when it administered psychotropic medication without the recipient's consent absent an emergency. If substantiated, these allegations would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et. seq.), and hospital policies.

Loretto is a private medical facility located in Chicago. The hospital incorporates a 72-bed behavioral health unit and is accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

To review these complaints, the HRA conducted a site visit and interviewed the Associate Vice President of Behavioral Health, the Assistant Manager of Behavioral Health, the Manager of Performance Improvement and Risk Management, and the Unit Psychiatric Nurse. Relevant program policies were reviewed as were the recipient's records upon written consent. The recipient is an adult who maintains his legal rights.

**FINDINGS**

The record shows that the recipient in this case signed an application for voluntary admission to Loretto Hospital on 5/24/07 because he felt that he "was on the verge of going off in a killing spree", and had begun to feel depressed due to the death of a sibling a few weeks before his hospitalization. He had reported these feelings to his social worker in his outpatient program and she suggested that he seek hospitalization.

At the time of his admission the record indicates that the recipient was admonished of his rights and his physician certified in writing that he was given medication information for the

following psychotropic medications: Prolixin, Depakote, Ativan, and Geodon. His physician ordered 500mg Depakote and 40mg Geodon, which the Medication Administration Record (MAR) shows were added to his scheduled medications. The recipient was compliant with the orders for Depakote, however he refused all Geodon from the onset of his hospitalization. Also in the record is a designated preference for emergency intervention, and it indicates that in the case of an emergency the recipient preferred medication.

The record shows that the recipient was offered and refused his Geodon medication throughout his five-day stay at the hospital. The Progress Notes indicate this refusal with a medication refusal stamp that showed eight instances where Geodon was offered to the recipient. His course of treatment was uneventful and the record (MAR and Progress Notes) contains no indication of the administration of emergency medication or the use of PRN (as needed) medication for an emergency. Prescribed medications other than the Geodon were accepted and there were no restriction of rights notices in the record.

### STATUTORY BASIS

The Mental Health and Developmental Disability Code mandates that recipients of services be provided with adequate and humane care in the least restrictive environment. Adult recipients of services must be informed of the right to refuse medication or electroconvulsive therapy. If these services are refused, they should not be given unless they are necessary to prevent the recipient from causing serious and imminent physical harm to themselves or others and no less restrictive alternative is available (405 ILCS 5/2-102 and 5/2-107).

### HOSPITAL POLICY

Loretto Hospital policy #IPU-1500.1 states that "Loretto Hospital shall provide all rights to patients pursuant to the Illinois Mental Health Code and shall only restrict those rights to protect the patient or others from harm. All staff will know the rights and the procedures and standards for restricting those rights." The policy also states that upon commencement of services or as soon thereafter as the patient's condition permits, a staff nurse must orally review the rights with every patient or patient's guardian. Whenever any of the patient's rights is restricted, the policy requires written notice of the restriction be given to the patient, the guardian, the persons designated by the patient, an agency designated by the patient, the facility director, and any agency or attorney in fact under a Mental Health Preference Declaration or a Durable Power of Attorney for Health Care. Emergency medication may only be administered when such services are necessary to prevent the patient from causing serious and imminent physical harm to himself or others (#IPU- 1500.5).

### CONCLUSION

The complaint in this case alleged that Loretto Hospital did not follow Mental Health Code procedures when it administered psychotropic medication without the recipient's consent absent an emergency. The review of the record along with the interview of staff indicates that the recipient did in fact consent to the medication his physician ordered for him, that he

exercised his right to refuse medication and that his refusals were honored by the hospital staff. Additionally, the record indicates that there were no incidents of emergency or PRN medication. The complaint that Loretto Hospital did not follow Mental Health Code procedures when it administered psychotropic medication without the recipient's consent absent an emergency is not substantiated.