



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 08-030-9018

Northwestern Memorial Hospital

The HRA did not substantiate the complaint that the facility did not follow Mental Health Code procedures when it failed to inform the recipient of her rights upon admission and denied her the right to make phone calls.

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Northwestern Memorial Hospital (Northwestern). It was alleged that the hospital did not follow Code procedures when it failed to inform the recipient of her rights upon admission and denied her the right to make phone calls. If substantiated, these allegations would be violations of the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.).

Northwestern is an academic medical center that provides comprehensive care in nearly every discipline. The Emergency Department is also a Level I Trauma System and offers emergency psychiatric services. The Norman and Ida Stone Institute of Psychiatry offers inpatient and outpatient services for adults and older adults with mental health and substance abuse issues and its inpatient facility has 55 beds.

To review these complaints, the HRA conducted a site visit and interviewed the Director of the Department of Psychiatry, two Department of Psychiatry Managers, the Manager of the Emergency Department, and the attorney for the Office of the General Counsel. Hospital policies were reviewed, and an adult recipient's clinical records were reviewed with written consent.

FINDINGS

According to the clinical record (Psychiatry Emergency Department [ED] Flow Sheet), the recipient arrived at the ED at 11:18 p.m. on 4/1/08. Progress Notes indicate that the recipient entered the ED on the advice of her physician because she had been having thoughts of suicide. She later told staff that she had been intentionally bingeing on high caloric food in order to kill herself (she is a severe diabetic with multiple illnesses). She reported that upon admission she

had been experiencing some confusion due to her high blood sugar level and had impaired vision due to a corneal transplant that she had six months earlier. The record from the ED shows that she had "Recent eye surgery -wears patch and dark glasses", and the Psychiatry Integrated Assessment document lists her special needs as "Vision, Mobility."

The recipient signed an application for voluntary admission on 4/2/08 at 5:40 a.m. At that time she also signed the Rights of Individuals Receiving Mental Health and Developmental Disabilities Services form and staff certified by signature that the form was given to the recipient. The recipient confirms that her rights were read to her by unit staff, and she attests that she understood the explanation, however, the recipient states that she was unable to read the contact information on the application due to her vision problems, and thus could not contact the Guardianship and Advocacy Commission and others (she did not request that staff contact anyone for her). Additionally, she states that when she asked staff to aid her in making the calls once on the Stone Institute unit, she was told that the numbers were posted on the wall, but again she was unable to read them. The recipient then was not able to complete her calls until 16 hours after her arrival in the ED.

Hospital representatives were interviewed regarding phone calls that are made at admission or on the behavioral health unit. At admission, the staff complies with hospital policy and asks the recipient if there is anyone they want to be notified at admission. If someone is designated, then staff will attempt to call or allow the recipient to call those individuals. On the behavioral health unit, staff state that generally, recipients are allowed phone calls at any time and phone restriction is rare. In this case, although the staff person who discussed rights with the recipient was not present at the site visit, staff indicated that the recipient would have been allowed to make calls or assisted in making them after she was admitted, no matter the time of the day. Staff confirmed that GAC contact information is visible on the walls throughout the unit and the recipient confirmed this. There is no procedure which specifically addresses assisting recipients with phone calls who are vision impaired, however the staff are assured that a recipient would be assisted in making calls if asked.

The recipient was discharged to her home on 4/02/08.

STATUTORY RIGHTS

The Mental Health Code mandates that upon commencement of services or as soon thereafter as the condition of the recipient permits, the recipient shall be informed orally and in writing of his guaranteed rights including the right to notify a person or agency. The facility must also ask the recipient whether she wants them to contact the recipient's spouse, parents, guardian, close relative, friend or attorney, and if so, the facility shall immediately attempt to contact at least two of these people designated by the recipient (405 ILCS 5/2-200). The Code also provides that the recipient has the right to make phone calls to the persons of choice unless it is necessary to prevent harm, harassment or intimidation and that he is to be assisted in contacting the Guardianship and Advocacy Commission upon request (405 ILCS 5/2-103 and 5/3-206).

HOSPITAL POLICY

Northwestern policy and procedure (#3.15 Admissions, Transfers and Discharges) states that "Upon commencement of services, or as soon thereafter as the condition of the recipient permits, every adult recipient, as well as the recipient's guardian or substitute decision maker, and every recipient who is 12 years of age or older and the parent or guardian of a minor person under guardianship shall be informed orally and in writing of the rights guaranteed by the Illinois Mental Health and Developmental Disabilities Code, which are relevant to the nature of the recipient's services program"

Hospital policy (# 4.0 Patient's Rights) states that the recipient may designate a person or agency to receive notice or to direct that no information about the recipient be disclosed. Also, hospital policy states that the facility shall ask the recipient if he wants the facility to contact a spouse, friend, parent, close relative, attorney or the Guardianship and Advocacy Commission and if so, the facility shall contact at least two of those people by phone or by mail and inform them of the recipient's location.

CONCLUSION

The Mental Health Code mandates that recipients be informed of their rights. In this case the record indicates that the recipient had her rights explained to her upon admission, when staff were made aware that she had vision problems and could not adequately see the forms. With regard to phone use, the hospital's stated practice is that recipients can use the phone at any time, and, the Code allows calls to anyone a recipient chooses including the Guardianship and Advocacy Commission with help if requested. There is no evidence in this record that the recipient was denied or prevented from using the telephone once she was admitted. The HRA does not substantiate the complaint that the hospital did not follow Code procedures when it failed to inform the recipient of her rights upon admission or that the recipient was denied her right to make phone calls.