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**FOR IMMEDIATE RELEASE**

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**HUMAN RIGHTS AUTHORITY - NORTHWEST REGION**

**REPORT 08-080-9012**

**ALEXIAN BROTHERS BEHAVIORAL HEALTH HOSPITAL**

Case Summary: the HRA found no violations. The public record on this case is below, and there is no facility response.

**INTRODUCTION**

The Human Rights Authority opened an investigation after receiving complaints of possible rights violations at Alexian Brothers Behavioral Health Hospital. It was alleged that a recipient was detained for twenty-four days without authority and was prohibited from using the telephone without cause. Substantiated findings would violate rights protected by the Mental Health and Developmental Disabilities Code (405 ILCS 5).

Located in Hoffman Estates, the facility serves people of all ages with psychiatric and addiction needs through inpatient, partial hospitalization and an array of outpatient treatment programs. This review centers on the inpatient program, which cares for about 130 people on a daily basis.

The HRA visited the hospital and interviewed several staff members. Relevant program policies were reviewed as were sections of an adult recipient's medical record upon her written authorization.

**FINDINGS**

According to the record the recipient was hospitalized at Alexian Brothers from October 24<sup>th</sup> through November 16<sup>th</sup>, 2007, a total of twenty-four days. A program coordinator at the hospital completed a petition for involuntary admission at 3:20 p.m. on the first day, referencing his observations. He wrote that the recipient displayed manic behaviors, that she was constantly disruptive and had loose associations of a persecutory nature; she kicked her husband, tore up papers cups, paper-wadded a window, lit a cigarette indoors and screamed at the writer while standing an inch from his face. The coordinator told us that the information on the petition was accurate, that he was worried about her becoming assaultive and that hospitalization was needed.

Admission records showed that the recipient arrived on an inpatient unit at about 4:20 p.m. A first certificate was done on the following morning at 8:00 a.m. by a counselor who wrote that the recipient's behavior remained escalated; she was argumentative, labile, angry and confrontational, had poor insight and awareness, and needed stabilization to ensure safety. The counselor noted that she immediately court-filed the petition and the first certificate and that a court date was set for October 31<sup>st</sup>, which was verified by a hearing order in the chart. A second certificate was completed by a psychiatrist later that afternoon at 1:30. It stated that the recipient was manic, disruptive, had difficulty redirecting and difficulties at home per the husband's

report. The second certificate and a hearing notice were court-filed on the next morning, October 26<sup>th</sup>.

Progress notes referenced how the recipient's hearing and eventual discharge turned out. On October 29<sup>th</sup> the hearing was continued until November 7<sup>th</sup>. On November 6<sup>th</sup> the hearing was continued until November 14<sup>th</sup> and on November 13<sup>th</sup> it was continued until November 16<sup>th</sup>. A physician discharged her on November 16<sup>th</sup>.

Progress notes also detailed how the recipient's right to use a telephone was restricted while she was in the hospital. On October 27<sup>th</sup> she was asked if she would like to file a police report about her claims of being abused and she said she would. She proceeded to call 911 without interference and was visited by a police officer later that night. Two days after that she was visited by a policeman again, this time having called them about the hospital giving her shots. Her physician was notified and an order and a restriction notice were written for staff to dial all of her outbound calls. On November 4<sup>th</sup> she was able to dial 911 on one phone while she was talking on another; an operator contacted the hospital to ensure there was no emergency. On November 7<sup>th</sup> she tried to dial 911 again but was stopped, and, later that night, she was noted to make three additional calls to people whom she asked to call 911 for her. The physician was notified and an order and a restriction notice were written to prohibit all outbound calls. The next day the recipient met with a hospital advocate and made claims of more abuse. She was permitted to call 911 at her request, and a policeman visited her once again to inquire. According to the documentation, there were no other incidents through discharge. The staff we spoke to said they do not restrict calls to 911 unless they are harassing and that they have explained this to the police department.

Alexian's level of care policies list general justifications for inpatient psychiatric admission. They include the deterioration of a person's clinical condition, unresponsiveness to outpatient management and the need for intensive therapies or other care that cannot be provided in an outpatient setting. The hospital's rights policies say that telephone calls are always permitted during approved hours unless they are detrimental to a person's treatment. In those cases a physician writes an order for restriction and a registered nurse completes a restriction notice.

## CONCLUSION

Under the Mental Health Code, an adult may be held in a facility for evaluation when he or she is thought to be subject to involuntary admission upon the completion of a petition. A qualified examiner must make a diligent effort to certify, but not exceed twenty-four hours, or the person is to be released. A psychiatrist must follow up with a second certificate as soon as possible, but not later than twenty-four hours after admission, excluding weekends and holidays, or the person is to be released. A copy of the petition and the first certificate are court-filed within twenty-four hours, excluding weekends and holidays as well, and the second certificate is filed promptly when completed. A court date is set within five business days from there, and continuances are permitted as court-approved (405 ILCS 5/3-600 et seq. and 5/3-800 et seq.). Telephone use is permitted during reasonable hours unless there is indication of harm, harassment or intimidation and a restriction notice is completed (405 ILCS 5/2-103 and 5/2-201).

The HRA found no evidence to support the claims that a recipient's rights were violated; the allegations are unsubstantiated.