



FOR IMMEDIATE RELEASE

North Suburban Human Rights Authority
Report of Findings
Elgin Mental Health Center

HRA #08-100-9026

Case Summary: The HRA did not substantiate the allegation that a consumer had received mail from the Social Security Administration and the envelope had been opened. The HRA's public record on this case is recorded below; the provider's response immediately follows the report.

The North Suburban Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving complaints of possible rights violations within the Forensic Treatment Program, Pinel Unit at Elgin Mental Health Center (EMHC). The complaint alleged that a consumer had received mail from the Social Security Administration and the envelope had been opened. The rights of consumers receiving services at EMHC are protected by the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103).

To pursue this investigation, the HRA requested with written authority, any progress note documentation and/or restriction of rights notices relevant to the allegation of the consumer whose rights were alleged to have been violated. The Director of Health Information responded to this request by saying that she reviewed the consumers' chart from the time of his admission (June 29, 2007) until March 2008 and no documentation was found regarding mail. An on-site visit was conducted at which time the allegation was discussed with the consumer's Social Worker and an employee from the Mail Department. The consumer was also interviewed. The HRA acknowledges the full cooperation of Center personnel.

Background

Consumers receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on a number of factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has 315 beds.

Findings

As stated in the allegation, the consumer stated that mail he had received from the Social Security Administration had been previously opened.

At the site visit, the Case Manager stated that unit staff members distribute the mail on a daily basis. The unit staff, by inspecting the envelope and return address, determines if the mail needs to be opened in the presence of staff. Should this determination be made, the consumer is asked to open the envelope and show staff its contents. The Case Worker said the mail would need to be opened only if it is suspected that a check or contraband might be enclosed. If the consumer is not on the unit while the mail is being distributed, the mail is given to the consumer's Social Worker and it is given at a later time. The Case Worker said that at no time would a staff member open mail addressed to a consumer.

The Case Worker offered that this consumer did have some problems receiving his mail from the Social Security Administration because he uses an alias and the Mail Department was not delivering mail addressed to the alias. It is noted that this matter has been resolved, as the Mail Department is aware of the alias and now accepts mail with that name.

The HRA spoke to an employee from the Mail Department to see what happens when mail is delivered to the Center. This employee explained that she has a list of each consumer admitted to the hospital and the unit where that consumer is housed. She stated that she sorts the mail accordingly and it is distributed daily. If the name on the correspondence does not match anyone on her admittance list, the mail is returned to the sender. If the correspondence does not have any name on it, it would be returned to the sender or it might be sent to Administration for disposition. When asked, this employee stated that she would have no reason nor would she ever open mail sent to the Mail Room.

The Center's Patient Mail policy states (in part) that prior to handing mail to the patient receiving it, unit staff shall inform the patient that staff must check the mail for contraband and money in excess of the applicable program limits. If he or she agrees to allow the mail to be inspected for contraband or money, the patient shall open the mail in the presence of a staff member. If the patient refuses to open the mail in the presence of a staff member, it is held until the patient agrees to allow the mail to be inspected. If the mail is a package, the package must be opened in the presence of a Security Officer, or the patient's caseworker, or the Nurse Manager, or a staff member designated by the Nurse Manager. The policy states that all letters addressed by patients to the Governor; members of the General Assembly; Attorney General; judges; state's attorneys; Guardianship and Advocacy Commission; Protection and Advocacy, Inc.; Officers of the Department of Human Services; or licensed attorneys at law must be mailed at once to the persons for whom they are addressed without examination by staff, except to ensure that the out-going mail meets the minimum U.S. Postal Services standards.

Conclusion

Pursuant to the Mental Health and Developmental Disabilities Code, Section 2-103, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation.

The HRA cannot discount the consumer's claim that the mail was opened; however, the findings do not support the claim. Based on the information from the employees interviewed, mail is not opened by staff - should the mail need to be inspected for safety reasons, staff still would not open the envelope/package - the consumer must open the item and show its contents to staff. The allegation is unsubstantiated.

RESPONSE

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

Rod R. Blagojevich, Governor



Carol L. Adams, Ph.D., Secretary

Division of Mental Health - Region 2
Elgin Mental Health Center ■ Singer Mental Health Center

RECOVERY IS OUR VISION
Recovery is a Personal Journey of Hope, Healing, Growth, Choice, and Change

September 2, 2008

Mr. Dan Haligas, Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

Re: HRA #08-100-9026

Dear Mr. Haligas:

Thank you for your recent letter dated August 6, 2008. As always, your investigations are professional and thorough.

In this instance, there was an allegation that staff had opened mail a consumer had received from the Social Security Administration. Per your review, the allegation was unsubstantiated.

Please rest assured that per our policy, staff are prohibited from ever opening a consumer's mail.

I would request that this response be attached to the report and be included with any public release of your Report of Findings.

Thank you again for your excellent work.

Sincerely,

Tajudeen Ibrahim, BA
Acting Hospital Administrator

TI/JF/pb