



FOR IMMEDIATE RELEASE

Egyptian Regional Human Rights Authority
Report of Findings
09-110-9001
Southern Illinois Regional Social Services, Inc.
October 28, 2008

The Egyptian Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation concerning Southern Illinois Regional Social Services, Inc. (SIRRS), a private, not-for-profit, community mental health center located in Carbondale. SIRRS has been accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) for the following programs: assertive community treatment for adults; case management coordination of mental health services for adults, children and adolescents; community housing for adults with mental health issues; community-based rehabilitation services for adults; crisis intervention for adults, adolescents, and children; intensive family-based services for children and adolescents; out-of-home treatment for adolescents and children with mental health issues; outpatient treatment for adults, adolescents and children with alcohol and other drug addictions; outpatient treatment for adults, adolescents, and children with mental health issues; drug and alcohol prevention for children and adolescents; and mental health prevention/diversion for children and adolescents. The specific allegation is as follows:

A case manager/counselor at Southern Illinois Regional Social Services released confidential information to a client's probation officer without the client's consent.

Statutes

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Confidentiality Act (Act) (740 ILCS 110/5).

Section 110/5 of the Act states, "(a) Except as provided in Section 6 through 12.2 of this Act, records and communication may be disclosed to someone other than those persons listed in Section 4 of this Act only with the written consent of those persons who are entitled to inspect and copy a recipient's record pursuant to Section 4 of this Act. (b) Every consent form shall be in writing and shall specify the following: (1) the person or agency to whom disclosure is to be made; (2) the purpose for which disclosure is to be made; (3) the nature of the information to be disclosed; (4) the right to inspect and copy the information to be disclosed; (5) the consequences of a refusal to consent, if any; and (6) the calendar date on which the consent expires, provided that no calendar date is stated, information may be released on the day the consent form is received by the therapist; and (7) the right to revoke the consent at any time."

Investigation Information

To investigate the allegation, the HRA Coordinator (Coordinator) spoke via telephone with the client whose rights were alleged to have been violated. The HRA Investigation Team (Team), consisting of one member and the Coordinator, spoke with the Quality Improvement Director (Director) and the Adult Behavioral Health Manager (Manager) during a site visit at the facility. The client's clinical records were reviewed with his written authorization.

Interviews:

Client

The client informed the Coordinator that a social worker, who served as his case manager and counselor in the substance abuse program at SIRRS, released confidential information to his probation officer without his authorization. The client would not elaborate about the specific confidential information that was released to the probation office. He stated that the counselor is no longer employed at the facility.

The client related that he has been diagnosed as having a Bipolar Affective Disorder, as well as problems with substance abuse. He stated that during the manic stage of his illness he began to drink heavily. He informed the Coordinator that he continued to drive a vehicle while drinking alcohol, and as a result of this behavior was arrested and charged with Driving Under the Influence (DUI). He stated that after receiving the DUI, he was required to participate in 75 hours of drug and alcohol counseling. He informed the Coordinator that he had received a certificate of completion verifying that he had met the mandates.

Adult Behavioral Health Manager (Manager)

When the Team spoke to the Manager about the complaint, she stated that the usual procedure is for the parole officer to obtain a signed release from a client prior to a referral to SIRRS. However, there are occasions when the written authorization is obtained by SIRRS staff.

Quality Improvement Director (Director)

According to the Director, before any confidential information is released to any agency or person, a client must sign a consent form authorizing the disclosure. The agency or person designated to receive the information, the type of information to be disclosed, the purpose of the disclosure and the expiration date of the disclosure is listed on the consent form. The Director

informed the Team that each client is informed of the right to revoke the authorization at any time.

Clinical Chart Review

Individual Treatment Plans (Plan)

Documentation on a 03/05/08 Plan indicated that the client was in the Substance Abuse and Recovery Services (SARS) program. Diagnoses were listed as follows: AXIS I: Alcohol Dependence, Cocaine Dependence (per history), Cannabis Dependence (per history) and Bipolar I Disorder (with single manic episode and psychotic features, per history); AXIS II: No Diagnosis; AXIS III: Diabetes, High Blood Pressure, Acid Reflux, Hemophilia (per client); and AXIS IV: Probation, financial, living environment, poor support system.

The client listed his long term goal as follows: "Get a job and have a life... I want my life back." The immediate objectives to assist the client in reaching his goal were listed as follows: 1) to maintain psychiatric care and follow medication regime, 2) to resolve medical problems, 3) to implement necessary assertiveness skills to solve problems in a less aggressive and more constructive manner, 4) To practice a program, which includes regular attendance in community support groups and active involvement within his church, 5) to stabilize his living environment by developing a budget, expanding his social interactions, and to follow through with treatment goals. An objective to follow all requirements set by the county probation office, which included participation in random urinalysis and breathalyzer testing, was listed in the Plan. Individual therapy and case management services were also listed as interventions to assist the client in achieving his goals and objectives.

According to a 05/12/08 Plan, the recipient had reported using alcohol on two different occasions, but had abstained from using any other drugs. The record indicated that the client had conveyed that he had several problems with his medical condition that were serious enough for him to interrupt treatment in the SARS program. However, treatment had resumed and progress was being made. Documentation indicated that the client had been referred to the Adult Counseling Services (ACS) for mental health counseling and to deal with anger management issues. Documentation indicated that when services commenced in the ACS program, the client would be released from the SARS program.

Consent for Disclosure of Records and Communications (Consent)

Documentation indicated that the client signed a Consent on 06/11/07 authorizing SIRRS to exchange written and verbal information, which included attendance at SIRRS, assessments, psychiatric evaluations, diagnoses, prognosis, treatment recommendations, treatment plans, progress in and response to treatment, treatment summaries, criminal history, summary of court proceeding and probation requirements with the county probation and court services. According

to the Consent, the purpose of obtaining authorization was to assist in assessments, treatment planning, the court process and to ensure continuity of services. Documentation indicated that the client had been informed of his right to inspect and copy any information that was being disclosed, and the right to revoke the current authorization in writing at any time, except to the extent that action has already been taken on the authorization. Documentation indicated the authorization would expire without any revocation on 06/11/08, and any person or persons who received the information listed in the consent would not disclose the information without further written consent from the client.

A Consent signed by the client on 05/20/08 provided authorization for SIRRS to exchange written and verbal information with the county probation and court services. The information to be disclosed included attendance, assessments, psychiatric evaluations, diagnoses, prognosis, treatment recommendations, treatment plans, progress in and response to treatment, treatment summaries, results of random urinalysis and breathalyzer test results. Authorization for exchange of written and verbal information about the recipient's criminal history, summary of court proceedings, and probation requirements were also listed in the Consent. Documentation indicated that the client was informed of his right to inspect and copy the information that was being disclosed and the right to revoke the authorization in writing at any time. The record indicated that the authorization would expire without any revocation on 05/20/09.

Documentation indicated that on 08/19/08, the client revoked that consent to exchange written and verbal information to the county probation and court services.

Substance Abuse and Recovery Services (SARS) Probation/Supervision Monthly Status Reports (Reports)

The Authority reviewed Reports that were sent from the client's counselor/case manager to his probation officer for the following months: December 2007, January-February 2008, March 2008, and two Reports for May 2008.

According to the December 2007 Report, the client attended one scheduled session. The counselor documented that the recipient remained in denial of having a problem. In the January-February 2008 Report, the counselor recorded that four sessions were scheduled; however, the client only attended one of the scheduled sessions. The counselor documented that the client had been showing great progress and then began to "back slide". According to the counselor's March 2008 Report, two sessions were scheduled; however, he only attended one of the sessions. In a Report dated 05/20/08, the counselor recorded that the client attended two scheduled sessions. She stated that the client had reached maximum benefits from the program and would be referred to the ACS program. Documentation indicated that the client's services in SARS were terminated on 05/29/08, and he would receive counseling in the ACS.

Progress Notes

In a 03/05/08 Progress Note, the SARS Counselor recorded that the client was upset about a letter that she had sent to his probation officer. The SARS counselor documented, "He

said he calmed down but was still unsure of his ability to trust me. We discussed his emotional state and how there is a plan to make a referral for mental health counseling."

Documentation in a 06/03/08 Note indicated that the client's probation officer had left a voicemail for the SARS Counselor. The record indicated that the message was forwarded to his counselor in ACS, the program that the client was attending when the contact was made. When the ACS Counselor spoke with the probation officer, the probation officer requested updates on the client's treatment. Documentation indicated that the ACS Counselor informed the probation officer that since there was no court order and the client had not signed a consent for release in his current program she could not release the information. The ACS Counselor recorded that she transferred the probation officer to the clinical records department where a request a copy of the client's substance abuse programming information could be made.

Summary

According to the client whose rights were alleged to have been violated, a counselor/case manager in the SARS program at the facility released confidential information to his probation officer without his authorization. Documentation in a 03/05/08 Progress Note completed by the SARS Counselor indicated that the client had expressed anger about a letter that she sent to his probation officer. Conversely, the client provided written authorization on 06/11/07 and 05/20/08 for information to be released to the probation officer. The 06/11/07 Consent was valid until 06/11/08. The 05/20/08 Consent was valid until 05/20/09; however, the client signed an additional form on 08/19/08 rescinding the consent. The client's record indicated the client was in the SARS program from December 2007 until 05/29/08, a period of time that the client had provided written authorization for SIRRS staff to release information to his probation officer. The investigation did not reveal that there was any communication with the client's probation officer after the consent was rescinded on 08/19/08. All Consents reviewed by the HRA were in accordance with the Mental Health and Developmental Disabilities Confidentiality Act's mandates.

Conclusion

Based on information obtained by the HRA, the Authority does not substantiate the allegation that a case manager/counselor released confidential information to a client's probation officer without his written authorization. No recommendations are issued.