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Egyptian Regional Human Rights Authority
Report of Findings
09-110-9056
Chester Mental Health Center
April 27, 2010

The Egyptian Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation concerning Chester Mental Health Center, a state-operated mental health facility located in Chester. The facility, which is the most restrictive mental health center in the state, provides services for approximately 250 male residents. The specific allegations are as follows:

1. A recipient's Bible was confiscated by staff at Chester Mental Health Center.
2. A recipient at the facility was not allowed to use a facility-approved pencil for writing.

Statutes

If substantiated, the allegations would be violations of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-104 and 405 ILCS 5/2-210).

Section 5/2-104 states, "Every recipient who resides in a mental health or developmental disabilities facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except in the circumstances and under the condition provided in this Section. (a) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission. (b) The professional responsible for overseeing the implementation of a recipient's services plan may, with the approval of the facility director, restrict the right to property when necessary to protect such recipient or others from harm. (c) When a recipient is discharged from the mental health or developmental disabilities facility, all of his lawful personal property which is in the custody of the facility shall be returned to him."

Section 5/2-201 states, "Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason therefor to (1) the recipient and, if the recipient is a minor or under guardianship, his parent or guardian; (2) a person designated under subsection (b) of Section 2-200 upon commencement of services or at any later time to receive such notice; (3) the facility director; (4) the Guardianship and Advocacy Commission, or the agency designed under 'An Act in relation to the protection and advocacy of the rights of persons with

developmental disabilities and amending the Acts therein named 'approved September 20, 1985, if either is so designated; and (5) the recipient's substitute decision maker, if any. The professional shall also be responsible for promptly recording such restriction or use of restraints or seclusion and the reason therefor in the recipient's record."

Investigation Information for Allegation 1:

Allegation 1: A recipient's Bible was confiscated by staff at Chester Mental Health Center: To investigate the allegation, the HRA Investigation Team (Team) conducted two site visits at the facility. During the initial visit the Team, consisting of three members and the HRA Coordinator (Coordinator), spoke with the recipient whose rights were alleged to have been violated and a Representative from the facility's Human Rights Committee. When a second visit was conducted the Team, consisting of two members and the Coordinator, spoke with the recipient and with the recipient's written authorization reviewed information from his clinical chart. The Patient Handbook was also reviewed.

I...Interviews:

A...Initial Visit:

1...Recipient A:

During the initial visit to the facility, the recipient whose rights were alleged to have been violated informed the Team that he was transferred from a county jail to the facility after he was found unfit to stand trial. He stated that the transfer occurred approximately two months prior to the Team's initial visit. The recipient related that when he arrived at the facility, staff members took his property, which included a Bible, two New Testament Bibles, and the Quran. He informed the Team that he had requested that the Bible be retrieved from the property storage; however, his request had not been granted.

According to the recipient, the requests were made to direct care staff; however he could not provide specific names of the individual to whom he had spoken regarding the matter.

2...Representative:

According to the Representative, when recipients are admitted to the facility all of their property items are inventoried, documented on a personal property inventory form and placed in property storage. The Representative stated that the recipient's property is examined to determine if there is any article that could cause self-injury or harm to others. If the property includes items that are considered contraband, the items are confiscated, and the recipient is provided with a Restriction of Rights Notice. The Representative stated that a Bible is not included in the items that are considered contraband.

The Representative stated that when a recipient is admitted, he is provided with information concerning the facility's policies pertinent to property storage and the mechanism

required to obtain the items. Additionally, all recipients are provided with a Patient Handbook, which provides written documentation of the policy and informs recipients to contact their therapist or the unit manager to request items from property storage.

II...Second Visit:

Recipient A:

When the second visit was conducted, the recipient informed the Team that he was able to obtain his Bible from the property storage.

III. Clinical Chart Review:

A...Treatment Plan Reviews (TPRs):

Documentation in a 03/06/09 TPR indicated that the recipient was admitted on the same day with a legal status of Unfit to Stand Trial (UST) from a county jail. His problem areas were listed as his legal status and psychotic symptoms.

The recipient's admitting diagnoses were listed as follows: 1) AXIS I: Psychotic Disorder (Provisional), R/O (Rule out) Schizophrenia Undifferentiated Type, R/O Bipolar Disorder with psychotic features, Poly-Substance Abuse by history; AXIS II: Antisocial personality Disorder by history; AXIS III: No Diagnosis; AXIS IV: UST status, Confinement, History of Substance abuse.

The TPR contained goals to restore the recipient to a level of fitness to stand trial by 07/09 and to reduce his psychotic symptoms, which consist of hallucinations, delusions, and perceptual problems.

Documentation in a 05/19/09 TPR indicated that the recipient had been seen for individual and behavioral functioning therapy with the goal of facilitating his return to court to stand trial; however, minimal improvement was noted. Additional documentation indicated that the recipient had attended numerous programming activities during the previous month, and had met objectives listed in the TPR.

The recipient's medications were listed as follows: 1) Perphenazine 12 mg by mouth (twice daily) for psychotic symptoms; Benztropine 2 mg by mouth as needed for EPS (Extrapyramidal Symptoms), and Lorazepam 2 mg by mouth every 6 hours (as needed) for agitation and anxiety. Documentation indicated that the recipient was compliant with taking the medications.

B... Personal Property Inventory:

The following items were listed in the recipient's 03/06/09 Personal Property Inventory: 1) Illinois ID (Identification card), 2) IDOC (Illinois Department of Correction) Inmate ID Card 3) [NAME] check card, 4) 2 books of checks [NAME], 5) glasses-wire frame broken; 6) tie clasp, 7) 2 small New Testaments, 8) Our Daily Bread , 9) Living Above; 10) Meanings of Quran, 11) 3 Free on the Inside (pamphlets), 12) Holy Bible, and 13) Bag with Miscellaneous papers. Documentation indicated that the recipient received the following on 03/16/09: 1) 2 small new Testaments, 2) Our Daily Bread,3) Living Above: 4) Meanings of Quran: 5) 3 Free on the Inside, 6) the Holy Bible and 7) a Bag with miscellaneous papers. According to the record, the recipient received 2 books of checks on 04/09/09. All other items remained in the property storage area.

C: Restriction of Rights Notices: (Notices):

The Authority reviewed Notices in the recipient's clinical chart. Two Notices were issued on 04/18/09. One Notice was pertinent to a physical hold and the other was issued when the recipient's was placed in 4-point restraints due to an attack on staff members. The HRA did not observe any Notices relevant to restriction of the recipient's property.

III: Patient Handbook (Handbook):

Upon admission to the facility, recipients are provided with a Handbook which outlines the following: 1) general guidelines for visitors; 2) bringing or sending items to patients; 3) a description of the hospital; 4) patients served, 5) the treatment program; 6) security; 7) frequently asked questions: 8) national patient safety goals; and 9) quality/safety notices.

In the frequently asked questions section of the Handbook, recipients are informed that due to limited storage space the amount of items a recipient may keep with him are limited. Additionally, to ensure the safety and security of patients and staff, many items are not permitted. Items with a recipient at the time of admission that are considered contraband are sent to the recipient's home, at his expense or, if space is available, the items are stored in the Personal Property Office. A record of each item remaining in the Personal Property Office is maintained.

Documentation indicated that if a recipient wishes to obtain items from his personal property and his clinical condition is justified, he can request the item by contacting his therapist or the unit manager.

Recipients are informed that, from time to time, a recipient's clinical condition may require temporary removal and storage of an item. However, when the recipient's condition is stabilized the item will be returned.

Summary of Allegation 1

According to the recipient, when he was admitted to the facility, his property, which included a Bible, was confiscated. The recipient informed the Team that he asked direct care

staff to obtain the Bible from property storage so that he could have it in his possession. However, his initial requests were not honored. The recipient informed that Team that it was only after several appeals and a considerable amount of time that he received the Bible. Documentation in the recipient clinical chart did not reveal any restrictions pertinent to the allegation. Recording in the recipient's Personal Property Inventory indicated that the Bible was given to the recipient after the item was inventoried on the day of his admission to the facility.

Conclusion of Allegation 1

Although there was conflicting information regarding when the recipient received his Bible, the recipient, as well as documentation, indicated that the recipient obtained the Bible from property storage. Therefore, the allegation is unsubstantiated. No recommendations are issued.

Suggestions for Allegation 1

However, the following suggestions are issued:

1. Facility staff should ensure that newly admitted recipients are presented in an understandable manner the information outlined in the Patient Handbook.
2. When a recipient requests an item that is not considered contraband, staff should provide the item within a two week period.
3. If a requested item is considered contraband, facility staff should document that the recipient's request for the property was denied and the reason for denial.
4. The recipient should be provided with a Restriction of Rights Notice pertinent to any property restriction.

Investigation Information for Allegation 2

Allegation 2: A recipient at the facility was not allowed to use a facility-approved pencil for writing. To investigate the allegation, the Team conducted two site visits at the facility. During the initial visit, the Team spoke with the recipient whose rights were alleged to have been violated and the Representative. The recipient's clinical chart was also reviewed with the recipient's written authorization. During the second visit, the Team spoke with two additional recipients. The facility's Patient Handbook was also reviewed.

A...Interviews:

1...Recipient I:

During the initial visit, the Team spoke with Recipient I regarding the allegation. He stated that during the first two weeks of June 2009, none of the recipients on Unit A were allowed to use the facility approved pencils for writing. He stated that staff members did not offer a reason for the restriction or provide individuals with restriction notices. He presented the names of two other recipients who could verify his statement.

2...Representative:

According to the Representative, recipients are allowed to use short facility-approved pencils for writing. However, full length pencils, pens and marker are considered contraband.

3...Recipient II:

When the second visit was conducted, the Team requested to speak with two recipients who were listed as witnesses. One of the recipients refused to speak with the Team; however, the other recipient (Recipient I) agreed to the interview. Recipient I informed the Team that he had not experienced any difficulties using the facility-approved pencils during the target time period or at any other time during his residence on Unit A.

4...Recipient III:

Although Recipient I did not list Recipient III as a one who could verify the allegation, the Team spoke with him due to his residence on Unit A. When Recipient III was asked if facility approved pencils were available to residents on the unit, he stated that he had not encountered any problems in obtaining or using the pencils, and he was not aware of anyone who had met with any difficulties regarding the matter.

B: Clinical Chart Review:

When the HRA reviewed information in the recipient's clinical chart, there was no documentation in progress notes, TPRs, or Restriction Notices to indicate that the recipient had been restricted from using a facility-approved pencil.

Summary of Allegation 2

According to the complaint, a recipient at Chester Mental Health Center was restricted from using a facility-approved pencil. When the Team spoke with Recipient I, he stated that all of the residents on Unit A were involved in the restriction. However, when the Team spoke with two additional residents, both residents stated that they had not encountered a problem with obtaining and using the pencils. Additionally, the HRA's review of Recipient I's chart failed to discover evidence that an individual restriction had been implemented.

Conclusion of Allegation 2:

Based on the information obtained during the course of the investigation, the allegation that a recipient at the facility was not allowed to have a facility-approved pencil for writing is unsubstantiated. No recommendations are issued.