



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-NORTHWEST REGION

REPORT 10-080-9002
JANET WATTLES CENTER

Case Summary: the HRA substantiated the complaint and the findings are recorded below. The facility elected not to include its response in the public record.

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving complaints of possible rights violations at the Janet Wattles Center in Rockford. Allegations were that a recipient's services were terminated without adequate reason, which, if substantiated, would violate protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and the Administrative Code for community mental health services (59 Ill. Admin. Code 132).

The Janet Wattles Center is a community mental health clinic that offers a variety of services including crisis intervention, evaluation, and sustaining care to individuals and families in northern Illinois. Main offices are located in Rockford and Belvidere.

The HRA visited the Rockford location and discussed the matter with program representatives. Relevant policies were reviewed as were sections of the recipient's record with authorization.

SUMMARY

The complaint states that Wattles dropped a recipient from services after missing a few appointments at a time when he had no personal assistant and no help with transportation. He reportedly cancelled one of those appointments by calling in ahead, although with short notice, and cancelled another one after spending the night in the hospital. It was commented that the facility has no problems changing or cancelling appointments on him without proper reasons or notice.

FINDINGS

Representatives explained to us that this recipient is a long-time client who has shown significant progress, and, in fact, had expressed frequently that he was ready to end services himself. He was involved in a program where the staff met with him in his home, usually once

per week. In the spring of this year, the community support team cited his success and referred him to a less intensive program, one where he was to meet with staff at the facility. Following through with his initial appointments in the new program seemed to be a problem, and his case was closed upon consultation with administrators.

The recipient's record demonstrates what took place. An April 14, 2009 treatment plan review states that he was making all of his doctor and case manager appointments and that he went from one visit per week to two per month; he expressed no interest in additional help with budgeting and improving reading skills. Progress notes from the same time referenced his team's endorsement for a less intensive case management program; he mentioned his fear of being dropped from services, was assured that would not happen, and he was linked to the new program soon after.

According to the record, a staffer from the new program sent the recipient a letter two weeks later on April 29th. The letter said she was unable to reach him and wanted him to know he had a scheduled appointment for May 7th at 9:00 a.m. Notes showed that he called her the next day saying he had a personal assistant in the afternoons only and rescheduled the appointment for May 5th at 2:15 p.m. On that day he called again, this time leaving word that he spent the night in an emergency room and would not make it and that he already rescheduled for May 13th. The staffer got back to him and thanked him for his responsible behavior in calling and rescheduling and reminded him of termination policy if he failed to make the next one. She wrote that he became defensive and verbally agitated, that he called late morning and that he failed the appointment. Per the notes on the 13th: "AGAIN NO SHOW for #2 LINK", although there was no previous "no show". She sent another letter on the 14th saying the recipient had failed three consecutive link appointments, that he had signed a consent form agreeing to the failed appointments policy and that he would be closed if he missed his next one on June 4th. Notes from that day state, "Again fail to link- this is #4 appointment- case was closed." Closing documents state likewise that the recipient failed four appointments.

Wattles' no show policy states that consumers who fail two consecutive appointments or show a pattern of failing appointments will be closed. A failed appointment is failing to attend an appointment without giving twenty-four-hours notice. There is also a form for consumers to sign in acknowledgment of the policy. This consumer signed his in March of this year.

A facility administrator said that regardless of this policy, it is not followed strictly and that they are to take individual circumstances into account. She said they typically would not close someone because of three failed appointments, and she agreed that some documented instances in this recipient's record should not qualify as failed. The recipient is always welcomed back if he wants to be assessed for services.

CONCLUSION

The Administrative Code states that service termination criteria include documentation in the recipient's record that he or she terminated participation in the program (59 Ill. Admin. Code 132.150).

Under the Mental Health Code, "A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The plan shall be formulated and periodically reviewed with the participation of the recipient...." (405 ILCS 5/2-102a).

The staff person from the new program may have actually been lenient on the recipient, not following policy by ending services after two failed appointments. Her documentation states that she allowed him four, but we take issue with the record's accuracy and the policy itself. The policy is over-strict and does not account for individual circumstances and determinations, like not asking this man for his preference for the first appointment on May 7th and not being able to call sooner because of being in the hospital the night before as on the May 5th. A progress note on the 13th states that he was "AGAIN NO SHOW...", which is not a true reflection given that he called in to reschedule as soon as he reasonably could---there was no previous no show. Also, while there is no documentation to suggest that he called within 24 hours to cancel or reschedule his appointment on the 13th, the staff person's letter from that day cited *three* consecutive fails, which, at that point, should be one; the second coming on June 4th. Documentation from there to close-out the recipient's case inaccurately lists *four* failed appointments.

Janet Wattles seems to have provided adequate and humane services given the recipient's progress. But the policy, as written, does not allow individual tailoring to meet individual needs, which is in violation of guaranteed rights under the Code.

RECOMMENDATION

1. Revise policy to allow individually determined exceptions to failed appointments.

SUGGESTIONS

1. Amend this recipient's record to accurately reflect the reasons he was terminated from services.