



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - NORTHWEST REGION

REPORT 11-080-9005
HAMMETT HOUSE

Case Summary: the HRA found no additional violations.

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving complaints of possible rights violations at Hammett House, a sixteen-bed intermediate care facility for persons with developmental disabilities in Sterling. The home is managed by Frances House, a northwestern Illinois affiliate of the DD Homes Network. Allegations were that the facility did not seek a guardian's informed consent before psychotropic medication was prescribed to a resident and did not apprise the guardian of the resident's medical and dental developments.

Substantiated findings would violate protections under the MR/DD Community Care Act (210 ILCS 47).

The HRA visited Hammett House and discussed the issues with several program representatives. Relevant policies were reviewed as were various resident files with proper authorization.

COMPLAINT SUMMARY

Hammett was said to have started a new prescription for Haldol without a guardian's consent. The guardian told the home to stop the order immediately, and a worker said she would contact the pharmacy to do that as it was unclear whether the medication had been delivered yet. It was also said that the resident's physician called the guardian to alert her to recent abnormal lab results, which followed two previous abnormal results that the home failed to notify the guardian about. And, the resident reportedly called the guardian and mentioned having a tooth pulled the day before without the guardian's knowledge.

FINDINGS

Hammett managers explained that a guardian's consent is always obtained whenever psychotropic medications have been ordered. The process includes calling a guardian first if he/she lives in another region, getting his or her verbal consent, and then sending consent forms to sign. The process for approving a new order after a guardian's consent involves making several contacts including with the facility's nurse, behavior management committee, and day training representatives. Updating medication consents is done on an annual basis with guardians, typically at the annual staffing. They try to send updating materials such as the consent forms to guardians about thirty days in advance.

The administrator said that in this case there was no record of Haldol being prescribed as suggested in the complaint, and he believed that the guardian's objection has always been with Abilify, which they do not provide. A script for Haldol could have been proposed, but the home's manager at the time in question is no longer employed with them. He often failed to get information to families and guardians during his time there. The director verified that and said he since has discussed with this resident's guardian ways to improve communication with her. One of those ways is that everything is now being emailed to her regularly, and not only will that provide documentation of sharing necessary information it will also provide an opportunity for the guardian to respond immediately with any questions or concerns she may have. We followed up with the guardian who reported improvements in their communication.

According to the resident's Individual Service Plan for the time frame in question, she was prescribed Anafranil, Risperdal, Eskalith, and Cogentin, all of which had corresponding consent forms signed by the guardian as well as the resident. There were no indications that either Haldol or Abilify were proposed or attempted for the year. Physician's order sheets for the same period showed the same prescriptions for Anafranil, Risperdal, Eskalith and Cogentin; nothing for Haldol or Abilify being proposed or started, and corresponding medicine administration records verified that the four medications were given as ordered, again, there were no references to Haldol or Abilify.

A note from the resident's mental health services clinic stated that per the guardian there would be no changes to her medication regimen, a directive that seemed to be followed given the documentation provided, except for one or two guardian-approved dose adjustments later in the year. Consultation reports showed that regular reviews of her medications were done as usual, but there were no medication changes. There were no indications on the consultation reports that Haldol or Abilify were ever considered.

The second matter, failing to notify a guardian of medical and dental developments was investigated by the facility's licensing body, the Illinois Department of Public Health, so we leave the issues there. However, we did follow up with a guardian who reports being satisfied with improved communications from the home. In its findings, the Department cited Hammett for failure to promptly notify seven resident guardians of dental care, healthcare needs and financial information. In one instance a guardian was not notified of a mammogram and two abnormal thyroid labs, and, in addition, was not informed that her ward had a tooth extracted. Not only was the guardian not told, but it turned out that the extraction was performed in a room of another home instead of the sterile environment of a licensed dental facility.

In its plan of correction to these findings, Hammett said it would provide in-service training to the facility QMRP, or Qualified Mental Retardation Professional, regarding notification to guardians of dental care, healthcare needs and providing financial statements to the guardians or family members.

CONCLUSION

Hammett's policy on behavior modifying medications (#7.11) states there shall be consent for administering them from the individual and guardian, if applicable. Consent forms will include the medication's particulars and will be signed and dated by the individual and guardian.

Under the MR/DD Community Care Act, "Psychotropic medication shall not be administered without the informed consent of the resident, the resident's guardian or other authorized representative." (210 ILCS 47/2-106.1).

It is possible that the former manager had some discussion about Haldol but there is no documented evidence that it was ever prescribed or administered. All medications provided for in the record are based on the guardian's informed consent. The complaint that Hammett did not seek the guardian's consent before psychotropic medication was prescribed to a resident is not substantiated.