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Egyptian Regional Human Rights Authority
Report of Findings
11-110-9013
Chester Mental Health Center
May 26, 2011

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 240 male recipients. The specific allegation is as follows:

Chester Mental Health Center has inappropriately confiscated a package that a family member sent to a recipient at the facility.

Statutes

If substantiated, the allegation would be a violation of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2-103, 405 ILCS 5/2-104 and 405 ILCS 5/2-201).

Section 5/2-103 states, "Except as provided in this Section, 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. (a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items. (b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission. When communications are restricted, the facility shall advise the recipient that he has the right to require the facility to notify the affected parties of the restriction, and to notify such affected party when the restrictions are not longer in effect. However, all letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, Guardianship and Advocacy Commission, or the Agency designated pursuant to 'An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named', approved September

20, 1985, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities. (d) No facility shall prevent any attorney who represents a recipient or who has been requested to do so by any relative or family member of the recipient, from visiting a recipient during normal business hours, unless that recipient refuses to meet with the attorney."

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 conditions 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 service 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, "(a) 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 such recipient is a minor or under guardianship, his parent or guardian; (2) a person designated under subsection (b) of the 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 designated under 'An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending 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 restraint or seclusion and the reason therefor in the recipient's record."

Investigation Information

To investigate the allegation, the HRA Investigation Team (Team), consisting of two members and the HRA Coordinator (Coordinator), conducted a site visit at the facility. During the visit, the Team spoke with the recipient whose rights were alleged to have been violated and the Chairman of the facility's human rights committee. The Coordinator spoke via telephone with the recipient's family member. With the recipient's written authorization, information from his clinical chart was reviewed. The facility's Procedure For Delivery of Incoming Recipient Mail Policy" was also reviewed.

I...Interviews:

A...Recipient:

During the site visit, the recipient informed the Team that in September 2010 a family member sent a package to him at the facility. He informed the Team that the parcel contained facility approved sealed food items. He stated that when he inquired about the package staff informed him that there was no record of its receipt. The recipient informed the Team that when he contacted the sender, she stated that the package which was sent by United Parcel Services (UPS) had a tracking number and documentation verified that the item had arrived at the facility.

B...Chairman:

During the site visit the Team spoke with the Chairman regarding the issue. The Chairman stated that the staff member who is in charge of the mail keeps a record of all incoming and out going packages, and he would investigate the matter. Shortly after the site visit, the Chairman informed the Coordinator that when he and the staff member reviewed records from July 2010 to February 2011 there was no documentation to indicate that the recipient's package had arrived at the facility.

C...Family Member:

The Coordinator spoke via telephone with the family member who sent the package. She stated that the parcel was sent to the recipient by UPS in September or October 2010. The family member estimated that the packaged food items cost approximately \$100. She stated that there was a tracking number; however, she had lost the documentation and was unable to verify its arrival at the desired destination. However, she was informed by the recipient that the package did not arrive. She informed the Coordinator that there was a prior incident when the recipient did not receive the items that she had sent to him, but she could not remember exactly when this occurred. The relative stated that due to the problems encountered, she would not be sending further packages to the recipient.

After the initial call, the Coordinator made several attempts to reach the family member via telephone. The calls were made in an effort to determine if she had found verification pertinent to the package being sent and to determine if the package was insured. However, all attempts to reach her failed.

II...Recipient Records:

Progress Notes from the recipient's clinical chart for the period of 10/01/10 through 02/31/11 were reviewed. The Authority did not observe any documentation to indicate the recipient had received any packages during the targeted period. Nor was there any recording(s) regarding the recipient being concerned that he had not received the package which his relative had reported sending. Additionally, the Authority did not observe any Restriction of Rights Notices pertinent to restriction of the recipient's property.

III...Procedure for Delivery of Incoming Recipient Mail:

Documentation indicated that the Procedure was developed to ensure delivery of recipient mail in a manner consistent with Section 2-103 of the Mental Health & Developmental Disabilities Code. According to the Procedure, each regular business day all mail addressed to recipients are delivered to the control center where it is sorted according to residential units. The mail is picked up and delivered unopened to each residential unit to a site designated by the Unit Director. According to the Procedure, the Unit Manager will ensure that all recipient mail is distributed as soon as scheduling permits. The mail is designated to be opened by the Unit Manager to ensure that it does not contain contraband, and the opening is conducted in the presence of the recipient. Letters from officials listed in Section 2-103 of the Code are delivered to the recipient without examination by facility staff. If the mail contains personal property items, the "Procedure for Handling Recipient Effects Received by Mail" is observed, and if funds are in the mail, the "Procedure for Handling Incoming Funds" is observed. If a recipient has been transferred, the mail will be forwarded if the current address is available, and returned to the sender if no current address is available. If the mail contains food items which may be perishable (those items which require cooking, have been cooked, or require refrigeration), they are not given to the recipient, but disposed appropriately and documented on a receipt form.

Summary

According to the complaint, a package sent from a family member to a recipient at the facility was confiscated, and the recipient was not allowed to have the contents of the package. According to the recipient, a family member sent some packaged food articles so that he could have access to them during commissary periods; however, he did not receive these items. He informed the Team that when he inquired about the package, staff stated that the package had not been received at the facility. The Chairman stated that he and the person in charge of documenting incoming/outgoing packages reviewed ~~of~~ records from July 2010 to February 2011 which did not reveal that the recipient had received any packages during the targeted period. When the Coordinator spoke with the family member via telephone, she stated that she had sent the recipient a package containing facility approved food items; however, the recipient informed her that he did not receive it. She stated that the package had a tracking number; however, she could find the verification. After the initial conversation, the Coordinator made several attempts to speak with the family member to determine if the information had been located; however, those attempts failed. The facility's mail procedure mandates that all mail, except from officials mentioned in Section 2-103 of the Code, be sent to the Unit and opened in front of the recipient.

Conclusion

The Authority acknowledges and understands the recipient and the family member's concern regarding the package not reaching the desired destination. However, due to the lack of verification that the package was ever received, the allegation that staff at the facility confiscated the parcel is not substantiated. No recommendations are issued.

Suggestion

The Authority suggests that the facility review its current policy to determine if additional safeguards can be implemented to ensure that recipients receive packages, as well as other mail items, sent to them at the facility.