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**FOR IMMEDIATE RELEASE**

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**East Central Regional Human Rights Authority  
Report of Findings  
Case 12-060-9007  
North Kickapoo House**

The East Central Regional Human Rights Authority (HRA), a division of the Illinois Guardianship and Advocacy Commission, accepted for investigation the following allegations concerning a resident's right to unimpeded telephone conversations at North Kickapoo House located in Lincoln, IL.

**Complaint:**

1. The telephone conversation of a resident is impeded.

If found substantiated, the allegation represents violations of the ID/DD Community Care Act (210 ILCS 47/2-108), the Mental Health and Developmental Disabilities Code (Mental Health Code) (405 ILCS 5/2-103), and regulations that govern intermediate care facilities for persons with developmental disabilities (ICFDD) (77 Ill. Admin. Code 350-3250).

North Kickapoo House is a 16 bed intermediate care facility serving the developmentally disabled population (ICFDD). The main geographical areas served are in Logan and Macon Counties. North Kickapoo House is part of a larger agency called J & J Maupin Group Homes, Inc. Per its website: "For over twenty years, J and J Maupin Group Homes, Inc. has been providing services for developmentally disabled adults through its Hickory Point Terrace, North Kickapoo, and Spring Creek Terrace group homes. Our homes provide a supportive atmosphere that allows our residents to grow and develop to their highest possible potential! J and J Maupin Group Homes, Inc. also own and operate 'A Step Forward' which provides day training, education, job skills, community involvement and interaction for the residents of our group homes and other area homes as well."

COMPLAINT STATEMENT

According to the complaint a resident was restricted from having unimpeded telephone conversations. The complaint alleges that a family member could not call a resident without staff impeding the phone call.

INVESTIGATION INFORMATION

**Interviews:**

The HRA proceeded with the investigation having received written authorization to review the resident's file. To pursue the matter, the HRA team visited the facility where the administrator and house manager were interviewed. The HRA team had arrived a few minutes before the residents had come home from a day training program. The HRA was provided a tour of the facility. Each resident's room reflected the individual's personal choices. Resident rights and third party advocacy numbers were posted. The HRA was provided copies of the resident rights that are provided at admission and reviewed annually with residents and guardians.

Per discussion with the administrator and house manager, North Kickapoo House is a 16 bed group home and is currently full. Forty-eight individuals are served by the larger agency divided among three homes. The agency welcomes individuals from anywhere, but mostly serves individuals from Logan and Macon Counties.

When asked about staff training regarding resident rights, it was explained that the resident rights would be covered within the first two days of employment. New staff would also receive Department of Human Services' (DHS) direct service personnel (DSP) training which includes 40 hours in the classroom and 80 hours of job training. All staff have been trained on Crisis Prevention Intervention (CPI). In addition in-service trainings are provided monthly to staff. When it comes to training in recognizing and reporting incidences of abuse, staff are taught to always report abuse and are provided training in recognizing abuse and neglect. Confidential reporting can occur as well. In order to ensure that staff are kept current on their knowledge of resident rights and reporting incidences of abuse, all staff have received annual human rights training and quarterly training on recognizing and reporting abuse and neglect.

The HRA inquired about the kinds of procedures in place to ensure that a resident can make an unimpeded phone call. The HRA team was shown that there are two phones available to residents in the home. One is a cordless phone that is kept in a central location in the house. It was explained that all residents may use the phone privately, because there is a cordless phone in the commons area, which they can take wherever they like. Residents are also allowed to answer the phone, receive calls and make calls. Staff have been trained to allow the residents to make unimpeded phone calls. They will dial numbers for residents as needed, but respect the residents' privacy. In addition, the agency pays for long distance calls for the residents from Friday through Sunday.

When asked about management's interaction with direct care staff to ensure that resident rights are protected, staff informed the HRA that the house manager was present in the home daily and the administrator was present once a week which allowed for them to interact with direct care staff.

When asked about the grievance process, the staff stated that it would be explained to both the residents and the guardians upon admittance. A copy of the grievance form would be given to the resident and sent to the guardian. The residents and guardians are informed annually of the grievance process and have been provided the document. It would be provided to a resident or guardian at any time. Staff members are available to assist any resident in the completion of the document.

The administrator informed the HRA that the home has an active internal Human Rights Committee and an active Behavioral Management Committee. These committees discuss behaviors, medications, programs and advocate for the residents. These committees also exist to measure the effectiveness of current interventions and programs and discuss how to improve them. Both of these committees meet monthly and copies of minutes were provided from some of the meetings regarding a rights restriction of the individual in question.

The HRA inquired about the guardian's directive regarding visitation. It was explained that the guardian has set up parameters for visitation for the safety of all residents in the home. The human rights committee has reviewed and approved the parameters for visitation. Other residents have had rights restrictions involving medication and behavior management, but all of these restrictions are approved by both the Behavior and Human Rights Committees in cooperation with the residents' guardians.

When the residents arrived at their home, the HRA team observed the DSP staff interacting with the residents. The HRA team queried four of the residents including the individual in this case, asking if they could make an unimpeded phone call. Per residents and staff, the residents would be able to make or receive unimpeded phone calls. Any resident would be able to take the phone to his/her room to make a private call or use the phone anywhere in the home.

About 12 of the residents interacted with the HRA team. All stated they liked living in the home. They loved the staff, the food, and stated they had interesting and fun outings. DSP staff arrived with the residents and assisted the residents with obtaining a drink of choice. Each one was encouraged to express their personal choices. All residents seemed very happy to be there. The HRA noted that the activity board and medication pass instructions were in picture form to accommodate all of the residents.

### **Records Reviews:**

Two different members of the HRA team contacted the resident in this HRA case, by telephone and at different time periods when the residents would be home. Both times, the HRA team members were not impeded from talking with the individual nor had there been any inquiry from the provider's staff as to who was calling the individual.

Per the record, there were no rights restrictions or directives from the guardian regarding telephone communication. The Human Rights Committee of North Kickapoo House had discussed the parameters of visitation set up by the guardian for the individual's safety. The guardian's directive was approved by the Human Rights Committee and was found to still be appropriate.

Management had recently covered and distributed information regarding resident rights and authorizations for release of information on 12/6/11 with residents. Records indicated that all staff received training regarding the residents' right to receive phone calls. It was reinforced to staff that residents have the right to speak to whomever they want on the phone. It was documented by staff signature as of 12/11/11 that all staff received the training.

## **Policy Reviews**

The facility provided the HRA with the Resident's Rights for People in Intermediate Care Facilities for the Developmentally Disabled. This policy states that individuals have the right to privacy which includes making and receiving phone calls in private. The facility must answer phone calls from family and friends and encourage them to visit unless it is the individual's and/or guardian's wishes for them not to visit.

The HRA reviewed the following policies: the grievance policy, purchasing gifts policy, picture consent form, HIPPA privacy practices, medication bingo card system, community release, release to be in the community, release for medical procedures and authorization for release of information were provided.

## MANDATES

Under the ID/DD Community Care Act: 2-108. "Every resident shall be permitted unimpeded, private and uncensored communication of his or her choice by mail, public telephone or visitation. The administrator shall ensure that correspondence is conveniently received and mailed, and that telephones are reasonably accessible."

The Community Care Act in the same section (d) further explains that "unimpeded, private and uncensored communication by mail, public telephone and visitation may be reasonably restricted by a physician only in order to protect the resident or others from harm, harassment or intimidation, provided that the reason for any such restriction is placed in the resident's clinical record by the physician and that notice of such restriction shall be given to all residents upon admission. However, all letters addressed by a resident to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, officers of the Department, or licensed attorneys-at-law shall be forwarded at once to the persons to whom they are addressed without examination by facility personnel. Letters in reply from the officials and attorneys mentioned above shall be delivered to the recipient without examination by facility personnel."

Similar provisions related to unimpeded telephone communication are guaranteed in the Mental Health Code (405 ILCS 5/2-103) and the ICFDD regulations (77 Ill. Admin. Code 350.3250c).

Communication can be restricted under the Mental Health Code (405 ILCS 5/2-103) to protect the recipient or others from "...harm, harassment or intimidation" and when restricted, a restriction of rights notice is to be issued (405 ILCS 5/2-201). Private visitation can be restricted under ICFDD regulations (77 Ill. Admin. Code 350.3250c) if deemed not medically advisable by a physician in writing.

Both the Mental Health Code (405 ILCS 5/2-200) and the ID/DD Community Care Act require that resident rights information be provided to residents.

## CONCLUSIONS

Regarding the complaint that the telephone conversation of a resident is impeded, the HRA found from its site visit and interviews that the phones in the facility are reasonably accessible and available for use at any time to the residents consistent with mandated requirements. The home also provides funding for long distance calling for residents on weekends.

No evidence existed that a telephone conversation of a resident at this intermediate care facility for the developmentally disabled was impeded. Residents were made aware of their right to unimpeded telephone conversations upon admittance and the rights are posted in a visible area of the facility so that resident rights are readily available pursuant to the ID/DD Community Care Act and the Mental Health Code. Residents explained how they exercised their rights to make an unimpeded phone call in this facility to the HRA.

The HRA team members called the facility on two different occasions to talk to the individual and no one tried to impede the telephone conversations. The residents of this home explained to the HRA team how they made unimpeded private phone calls and understood their rights regarding the use of the phone. The cordless phone of this home was cradled in the commons area for residents to use at any time. Staff will dial the phone for residents if needed and respect the resident's right to use the phone privately. North Kickapoo house even provides funding for long distance calls for residents three days a week. Based on the evidence, the **Complaint: The telephone conversation of a resident was impeded is unsubstantiated.**

The HRA does commend North Kickapoo House for the open and friendly environment of the facility. The residents were very interactive, comfortable and open to talking with us. Each resident's room reflected his/her own personality. The HRA would also like to commend North Kickapoo House for putting the activity board and medication pass instructions in picture form which added more supports in serving the residents. The HRA would like to thank North Kickapoo House for their full cooperation with this investigation.