



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

**REPORT 03-030-9014
St. Bernard's Hospital**

Case Summary: The HRA did not substantiate the complaint that the hospital did not follow Code procedures when it did not release a voluntary mental health recipient within the statutory time frame.

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at St. Bernard's Hospital. It was alleged that the hospital did not follow Code procedures when it failed to release a voluntary mental health recipient within the statutory time frame. If substantiated, these allegations would be violations of the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.).

St. Bernard Hospital is a 210-bed Catholic teaching hospital sponsored by the Religious Order of St. Joseph and serves the community of Englewood. There are 40 beds on the Adult Crisis Stabilization Unit, and the Emergency Department includes a segregated 8-bed triage unit for behavioral health patients.

To review these complaints, the HRA conducted a site visit and interviewed the Director of Behavioral Health, the Vice-President of Care Coordination, the Vice-President of Nursing Services, the Emergency Room Nurse Manager, the Nurse Manager of Behavioral Health, and the Vice-President of Clinical Operations. Hospital policies were reviewed, and an adult recipient's clinical records were reviewed with written consent.

FINDINGS

The record (Discharge Summary (dictated 2/20/13) describes the recipient's History and Present Illness and Hospital Course: "This is a 60 year old female, nursing home resident with history of schizophrenia presented to the hospital, reported to be hostile, violent, threatening, verbally abusive towards staff and resident of the nursing home. Patient is unable to be redirected. Patient unable to sleep and admits hearing voices, agitated, delusional, with poor

compliance with medication. The patient was admitted to the mental health unit. Medications given: Geodon, Novolin, Ativan, Haldol, Cogentin, Glucotrol, and Klonopin. Patient was given psychopharmacological treatment, individual psychotherapy, group therapy, family therapy, support therapy, ward milieu, medical consultation, and social services intervention. Patient's condition improved with the above medication and she was discharged to the nursing home on the 9th hospital day."

The record contains the Petition for Involuntary /Judicial Admission, completed 1/30/13 at 7:22 p.m. by the recipient's nursing home nurse. The document indicates that the recipient "continues to be subject to involuntary admission on an inpatient basis" and that she meets the standard for judicial admission. The reason is given as, "Res remains med non-compliant x 5 days. Res is delusional and verbally abusive to staff and peers. Dr. has ordered Res sent out to St. Bernard Hospital." The record also contains an Application for Voluntary Admission completed by the recipient on 1/30/13 at 8:30 p.m. It includes the Rights of Voluntary Admittee document. At the same time as the Voluntary Application for Admission, the recipient completed a Request for Release on Voluntary Admission. Additionally, the record shows the recipient rescinded her request for release on 2/05/13 on a hospital Request to Rescind form and it is witnessed by staff. The progress notes on the recipient mention the recipient's admission status just once, on the day she was admitted to the unit: "Pt. brought to unit via ambulance from nursing home as a direct admit. Pt. signed voluntary admission form and her rights during admission. Clothing list complete. Rights were given and Pt. was oriented to unit rules. Pt. also signed a five day notice." There is no indication from the progress notes that the recipient rescinded her request.

The recipient was discharged on 2/08/13 to the nursing home.

Hospital Representatives' Response

Hospital staff were interviewed about the complaint. They indicated that the hospital has a specialized area where behavioral health patients can be evaluated before being treated, transferred or admitted into the behavioral health unit. The area, Triage II, is a closed door area that is quiet and removed from the activities in the emergency area. Mental health recipients are assessed by a physician, a licensed clinical professional counselor, and a registered nurse. Staff indicated that the recipient was brought to the facility on a petition from the nursing home where she resided and was evaluated in the Triage II wing. She then completed a voluntary application for admission at the same time and also a request for release from the voluntary admission. On 2/05/13 the recipient rescinded this request, all within the statutory timeframe of the Code.

STATUTORY RIGHTS

The Mental Health Code describes a "mental health facility" as "...any licensed private hospital, institution, or facility or section thereof, and any facility, or section thereof, operated by the State or a political subdivision thereof for the treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, and mental health centers which provide treatment for such persons" (405 ILCS 5/1-114).

The Mental Health Code also allows any person 16 years of age and older to be admitted to a mental health facility as a voluntary recipient upon filing of an application with the director of the facility if the facility director deems such person clinically suitable for admission (405 ILCS 5/3-400). The application must contain: "in large bold-faced type a statement in simple nontechnical terms that the voluntary recipient may be discharged from the facility at the earliest appropriate time, not to exceed 5 days, excluding Saturdays, Sundays, and holidays, after giving a written notice of his desire to be discharged, unless within that time, a petition and 2 certificates are filed with the court asserting that the recipient is subject to involuntary admission. Upon admission the right to be discharged shall be communicated orally to the recipient and a copy of the application shall be given to the recipient and to any parent, guardian, relative, attorney, or friend who accompanied the recipient to the facility."

The Mental Health Code states that "Every mental health facility shall maintain adequate records which shall include the section of this Chapter [Forms] under which the recipient was admitted, any subsequent change in the recipient's status, and requisite documentation for such admission and status" (405 ILCS 5/3-202a).

HOSPITAL POLICY

St. Bernard's Hospital provided policy and procedure for the involuntary admission of recipients which comports with the requirements of the Mental Health Code. With regard to voluntary admission the policy indicates that an individual seeking voluntary admission is evaluated by the attending Physician to determine suitability, that is, the person has a condition which can benefit from in-patient treatment, and alternatives to inpatient care have been explored and eliminated. Policy states, "If upon admission to Psychiatric services, the attending psychiatrist determines that the individual requires treatment, he/she may also determine if the individual is clinically suitable for voluntary hospitalization. If this determination is affirmative, the patient may immediately be offered the opportunity to apply for hospitalization as a voluntary patient. If the individual declines voluntary application, the examiner/attending physician must determine if the individual meets the Illinois Mental Health Code requirements for Involuntary Status."

CONCLUSION

The record shows that the recipient, who was admitted on a petition for involuntary admission on Wednesday, 1/30/13, signed a voluntary application for admission as well as a Request for Discharge on the same day. On Tuesday, 2/05/13 the recipient rescinded the Request for Discharge and was discharged on 2/08/13, all within the required statutory timeline. The HRA does not substantiate the complaint that the hospital did not follow Code procedures when it did not release a voluntary mental health recipient within the statutory time frame.

The HRA commends St. Bernard's Hospital for their Triage II area of the emergency department where persons with mental illness or behavioral health issues can receive evaluation and treatment in a quiet, therapeutic environment.

SUGGESTION

1. Include a notation in the progress notes when the recipient has completed any document which could initiate a change in status.