



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #13-100-9002
Captain James A. Lovell Federal Health Care Center

Introduction

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at the Captain James A. Lovell Federal Health Care Center (FHCC). It was alleged that while a veteran was receiving behavioral health services, the facility did not recognize the authority of his guardian. If substantiated this would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102).

According to its web-site, the Captain James A. Lovell Federal Health Care Center (FHCC) is a first-of-its-kind partnership between the U. S. Department of Veterans Affairs and the Department of Defense (DoD), integrating all medical care into a fully-integrated federal health care facility with a single combined VA and Navy mission. Located in North Chicago, Illinois, the Lovell FHCC was established on Oct. 1, 2010. The arrangement incorporates facilities, services and resources from the North Chicago VA Medical Center (VAMC) and the Naval Health Clinic Great Lakes (NHCGL). A combined mission of the health care center means active duty military, their family members, military retirees and veterans are all cared for at the facility. The health care center ensures that nearly 40,000 Navy recruits who transition through Naval Station Great Lakes each year are medically ready. Lovell cares for nearly 67,000 eligible military and retiree beneficiaries each year, and brings Veterans throughout Northern Illinois and Southern Wisconsin.

Investigative Methodology

The HRA reviewed facility policies, and the adult patient's clinical record was reviewed (May and June 2012) with written consent. The HRA attempted to meet with FHCC staff to discuss policies and practices but the visit request was denied based on their attorney's assertion that the facility is federal, not state. The HRA typically would find it unfair to draw a conclusion from the record without giving the provider an opportunity to speak to the matter, however, given the provided documentation the HRA found there was sufficient evidence to complete a report. Should future investigations at FHCC require personnel interviews, the HRA will take all necessary measures to secure stated interviews under its authority by the Guardianship and Advocacy Act (20 ILCS 3955) and the Mental Health and Developmental Disabilities Code (405 ILCS).

Findings

The clinical record revealed data on a veteran with a history of PTSD (post traumatic stress disorder), psychosis NOS (not otherwise specified) and ADHD (attention deficit

hyperactivity disorder). A sample of the May and June documentation showed the following: the physician spoke with the patient's mother who has "legal guardianship". A psychiatry note states that "patient is angry and though he has asked that his mother should not be involved in his care we are contacting her, he does not understand that his mother is legal guardian and she has the right to know and be involved in his care." The Social Worker documented that the patient's mother is his legal guardian; the mother was contacted to request that she attend a family meeting; the mother/legal guardian was contacted regarding the patient's discharge plans. The attending psychiatrist wrote that the patient was interviewed, the charts were reviewed, and collateral information was obtained from the mother who is the patient's legal guardian. The Social Worker documented that she was contacted by the Lovell FHCC legal counsel in regard to the patient's mother/guardian concerns about the patient's treatment on the unit. The legal counsel conveyed to the Social Worker that the mother's paperwork as legal guardian is in order and that she is entitled to have input and make decisions as such. The Social Worker documented that the "patient's treatment team acknowledges the mother's rights as legal guardian and supports her role as such." It was further documented that the Social Worker felt that the issue was that the mother did not understand that as legal guardian she does not have the right to commit her son to a locked inpatient mental health unit (the mother was subsequently called to include her in the discussion).

FHCC Policy

The Center's Guardianship policy states that it is the policy of the FHCC to protect patient rights by evaluating the patient's ability to make informed decisions and manage his/her funds. When warranted, the FHCC will assist the patient and/or family member in the initiation of guardianship. The policy was established for the assessment, need and initiation of guardianship.

The Veteran's Administrative Guidelines (1103.3) states that the Principles for Providing Quality Mental Health Care strive to "involve patients, their families, and other caregivers in shared decision-making."

Statutory Basis

The Mental Health and Developmental Disabilities Code guarantees all recipients adequate and humane care in the least restrictive environment. As a means to this end, it outlines how recipients are to be informed of their proposed treatments and provides for their participation in this process to the extent possible:

Pursuant to Section 2-102 of the Code,"(a) A recipient of services shall be provided with adequate and humane care and service 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 to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient."

Conclusion

It is concluded that rights were not violated; the clinical record showed ample documentation to demonstrate that FHCC employees recognized the patient's mother as his legal guardian.

Comment

The HRA takes this opportunity to state that nowhere does the Illinois Mental Health and Developmental Disabilities Code (Code) exclude veterans or veteran facilities; in fact, their veterans/patients happen to be Illinois citizens as well and are to enjoy equal protections as other Illinois patients do. We assert the directives from the Code that says "...ANY...and ALL hospitals that provide mental health treatment..." fall under the Code (405 ILCS 5/1-114). The HRA acknowledges that the FHCC must follow federal rules which would control if any conflict with Illinois law arises. The Code's application should go hand-in-hand with federal regulations. And, it is important to note that the HRA has had support and compliance with VA sites in other regions of the state.