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**FOR IMMEDIATE RELEASE**

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North Suburban Regional Human Rights Authority  
Report of Findings  
HRA #13-100-9009  
Elgin Mental Health Center

**Introduction**

The North Suburban Regional Human Rights Authority (HRA) has completed its investigation regarding Elgin Mental Health Center (hereafter referred to as Center), Forensic Treatment Program. A complaint was received that alleged that consumers can no longer walk outside due to a staff member's allergies, a retaliatory response was to say that walking will only occur in the gym. It was also alleged that a social worker is rude and dismissive to a consumer and his family. The rights of consumers are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102 and 5/2-112).

Consumers receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on a number of factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has 315 beds.

**Methodology**

To pursue this investigation, the HRA met with Center personnel. The HRA with written consent, reviewed portions of the consumer's clinical record.

**Findings**

The complaint reported (October 2012) that the Activity Therapist conducts a walking group that takes place outside. The Therapist, due to health reasons, had to stop the outside walking program. When the consumer questioned why, it was stated that a decision was then made that the walking group would only occur in the gym. The complaint reported that he has a medical condition (psoriasis) which benefits from sunshine. The consumer stated that the Therapist's medical condition is accommodated but his is not.

The HRA met with the Activity Therapist and she explained that she conducts the walking group five times a week. During the summer months, walking is done outside. The consumer-to-staff ratio to conduct this program is ten-to-one. Due to a medical condition (allergies) the Therapist had to stop taking the consumers outside to walk. In an effort to keep the program outside, an Activity Therapist from another unit supervised the outside walking group with walkers from that unit. Then that Activity Therapist (the one that was talking the group outside) went on medical leave, which caused an additional strain on conducting the program outside. A decision was

subsequently made by the Activity Therapy Supervisor that the walking program would take place in the gym until further notice. As part of the walking program schedule, all walking moves indoors in November due to the weather. The HRA requested and reviewed the unit's written activity schedule which showed that the walking program is an "off unit group".

Regarding the allegation that a Social Worker was rude, the HRA met with the consumer's Social Worker to discuss the accusation. She stated she had not been rude to the consumer or his family. But, the consumer wants what he wants and when he does not get his own way, he would get angry and/or go over her head to administration to try to get what he wanted. She stated that as a result of the consumer filing this same complaint with the Illinois Office of the Inspector General (OIG), she was removed from his case. (The HRA was unsuccessful in its attempts to review the OIG investigation; the consumer did say it was unfounded).

A review of the clinical record showed that the Social Worker and the consumer discussed respect. The Social Worker documented that she made it clear to the consumer that "he would be treated respectfully". It was further documented that the consumer was made aware that the Social Worker may not always do things that he expects and that she was well aware that this was a problem for him. She went on to document that the consumer has a communication style of a hard-sell and that when she does not respond to his hard-sell, he feels offended. She wrote that she explained to the consumer that he usually makes his point in the first couple of sentences and when he goes on, he loses her and that she feels disrespected. A few weeks later she wrote that the consumer reported that she does not meet his needs. She wrote that he said he could not go to her because it was too stressful for him. It was documented that he makes falsehoods and that she is always polite and makes attempts to work with him, but her work "is never, never good enough to meet his expectations." The record showed that the Social Worker had communications with the consumer's family; there was nothing to indicate that this was a strained relationship.

The facility's 5-page Interpersonal Relations Between Staff and Patients policy states (in part) that "staff shall at all times relate to patients in an objective, ethical, professional, and humane manner which demonstrates an awareness of the formal helping relationship between employee and the patient for which the employee receives monetary compensation. The human rights and dignity of patients shall be respected at all times."

### **Conclusion**

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 5/2-102, "a recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan."

The assertion that consumers could no longer walk outside due to a staff member's allergies is an accurate statement. The HRA found no evidence to show that when this was questioned, a retaliatory response was to say that walking will only occur in the gym. The HRA acknowledges the consumer's claim that the staff members medical needs (allergies) were being met while his were not (sunshine/Vitamin D) and it is recognized that walking outside might be preferable to walking inside. Efforts made to continue to program outside were unsuccessful, and documentation regarding the activity schedule states that it is to be an off-unit group; the gym is located off-unit. Thus it is concluded that rights were not violated. The HRA takes this opportunity to suggest that in the future, administration consider reorganizing staff members to accommodate outside therapies.

Pursuant to Section 5/2-112 of the Code, "Every recipient of services in a mental health or developmental disability facility shall be free from abuse and neglect." The HRA found no evidence to support the claim that a social worker is rude and dismissive to a consumer and his family; the allegation is unsubstantiated. However, the HRA takes issue with the Social Worker's statement that she feels disrespected when the consumer is making the hard-sell. This implies that the staff

member is taking the consumer's behavior personally and/or that it is directed toward her. Center administration must ensure that all staff members relate to the consumers in an objective and professional manner.



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## **RESPONSE**

**Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.**

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Pat Quinn, Governor

Michelle R.B. Saddler, Secretary

**Division of Mental Health - Region 2**  
**Elgin Mental Health Center**

**RECOVERY IS OUR VISION**  
Recovery is a Personal Journey of Hope, Healing, Growth, Choice, and Change

May 22, 2013

Ms. Kori Larson - Chairperson  
North Suburban Regional Human Rights Authority  
9511 Harrison Street, W-300  
Des Plaines, IL 60016-1565

Re: HRA #13-100-9009

Dear Ms. Larson:

Thank you for your thorough review. We are glad your report shows no rights violation. We pride ourselves on providing excellent care to our patients. In regards to walking group, every effort is made to allow him opportunity to have fresh air daily. In regards to issues with his Social Worker, Administration has been following his case closely since his return from Chester Mental Health Center. Based on a number of issues and concerns he has expressed to his treatment team, it was mutually agreed that a transfer to a new unit would be in his best interest. He was transferred to the N Module on 02/21/13. Both he and the treatment team report he is doing well since the transfer.

Please include our response with any public release of your Report of Findings.

Sincerely,

Paul N. Brock, M.P.A., M.H.A.  
Hospital Administrator

PNB/JP/aw