



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 14-030-9004 ALL AMERICAN NURSING HOME

Case Summary: The HRA did not substantiate the complaint that All American Nursing Home did not follow Nursing Home Care Act mandates when it opened a recipient's mail.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at All American Nursing Home. It was alleged that the facility did not follow Code procedures when it opened a resident's mail. If substantiated, this would violate the Nursing Home Care Act (210 ILCS 45/101) and the Mental Health and Developmental Disabilities Code (405 ILCS 5).

All American is a 144-bed skilled nursing care facility for adults located in Chicago. All of the Center's population have a diagnosis of mental illness.

To review these complaints, the HRA conducted a site visit and interviewed the Nursing Home Administrator, the Social Service Director, and the Office Manager. Relevant program policies were reviewed as were the resident's records upon written consent.

COMPLAINT SUMMARY

The complaint indicates that the resident was sent \$5 in the mail and thereafter, the staff offered the resident \$5 if she would agree to fingerprinting. She agreed and was given the \$5. She then asked about the money that was sent to her and staff admitted that it had come in the mail the day before and they had held it for her and given it to her after her agreement to be fingerprinted. The resident also asked the social worker about her letter with the money in it and the opened letter was given to the resident after staff copied the business card of her attorney, which was in the envelope.

FINDINGS

The clinical record contains a form entitled, "Authorization to Inspect and Open Official Correspondence" which is signed by the resident. It states, "I understand that I have the right to receive my personal mail delivered to me unopened. However, I also do not want important mail affecting my financial or legal affairs to get lost or misplaced. Consequently, I hereby agree to and authorize representatives of this facility to inspect, open and remove the contents of the following mail, realizing that I will be informed of issues deemed necessary:

- Social Security Checks
- Pension Checks
- Veteran's Administration Checks
- Correspondence from Illinois Department of Human Services and the Illinois Department of Healthcare and Family Services
- Social Security
- Medicare Insurance
- Doctor and Hospital Bills

Facility Representatives' Statement

Facility staff were interviewed about the complaint. They indicated that approximately 90% of their residents are alert and ambulatory and are usually out in the community throughout the day. The Office Manager stated that mail is delivered to the office window on the main floor lobby which is where most of the residents come to pick it up daily. At that time they sign for the mail they receive, which is what the resident did for this mail (sometime in July, 2013), and these sign-in sheets are kept for 30 days (however the administrator has directed staff to now keep these sheets for 6 months). Only on weekends when there are less staff would mail take longer to be delivered, however staff indicated that even then it would be delivered within 24 hours. Staff do not hold mail for the residents. Mail is opened by the Office Manager only per the agreement that is signed by the residents when they are admitted and it is only to safeguard official communication and to explain to residents the forms or paperwork that they might not understand. Staff did indicate that this resident was fingerprinted, however the Office Manager who arranged for this probably was busy and told her that she could come and sign for her mail after she was fingerprinted, however the two activities were not connected. Staff indicated that the resident is very ambulatory and very concerned about her mail and thus she may visit the window sometimes ten times in one day to check on her mail. Personal mail is never opened by staff. Staff indicated that the resident did not alert the Administrator, the Social Service Director, or the Office Manager that she had concerns regarding her mail.

STATUTORY BASIS

The Nursing Home Care Act (210 ILCS 45/2-108) states, "Every resident shall be permitted unimpeded, private and uncensored communication of his choice by mail, public telephone or visitation." This right may only be reasonably restricted by a physician in order to protect the resident from harm, harassment or intimidation, provided that the reason for the

restriction is placed in the clinical record. The Mental Health Code (405 ILCS 5/2-103) also provides for unimpeded, private and uncensored communication by mail, public telephone or visitation.

ALL AMERICAN NURSING HOME POLICY

All American Nursing Home provided policy and procedure regarding mail. It states:

- Mail distribution at All American Nursing Home will be delivered Monday through Saturday from the front office window area from 9:00 a.m. to 5:00 p.m.
- Any resident may come to the window to inquire if she/he has mail
- Any resident that is unable to come to the window such as isolation, bedridden, etc., the mail will be distributed to them upon delivery from the postal service by an office, social worker, or activity staff member. No resident mail will be left at bedside, all mail must be given to the specific resident that the mail is addressed to.
- If the resident does not come to the window, a designated staff member must deliver the mail to the resident within 24 hours.
- Upon admission, residents sign a release that any legal mail (Social Security, Public Aid, Attorney, etc.) may be opened by the facility. No personal mail such as mail that looks like Christmas cards, Birthday cards, magazines, etc., will be opened by any staff member. This also includes any packages that look to be personal in nature. Any suggestions or concerns related to mail, please see the Administrator or office manager.

CONCLUSION

The Nursing Home Care Act and Mental Health Code mandate that every resident shall be permitted unimpeded, private and uncensored communication by mail, public telephone or visitation. This right can only be restricted by a physician to protect a resident from harm, harassment or intimidation. The facility demonstrated that they keep a sign-in sheet for all mail and that residents sign a release for staff to open certain envelopes with state, or legal letterhead, and that this policy was adhered to in this case. However, the policy, and the form authorizing staff to open and inspect mail, suggests that residents "will" sign this form and not that they "may" sign it, which is their right. The HRA does not substantiate the complaint that All American Nursing Home did not follow Code procedures when it opened a resident's mail, however we suggest that the phrasing of the forms and the facility practice include the right to privacy in all communication.

SUGGESTION

1. The HRA suggests that the facility policy regarding mail and the authorization form indicating a release for staff to open and inspect mail both state that residents "may" authorize

staff to open mail. If the resident does not choose to release this information, then the mail must be received unopened unless a physician orders a restriction of this right and the reason is placed in the clinical record.