



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 14-030-9024 CHICAGO LAKESHORE HOSPITAL

Case summary: The HRA did not substantiate the complaint that the facility did not allow a recipient to refuse AA meeting attendance.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Chicago Lakeshore Hospital (Lakeshore). It was alleged that the hospital did not follow Code procedures when it did not allow a recipient to refuse Alcoholics Anonymous meeting attendance. If substantiated, this would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.).

Lakeshore is a 147-bed private psychiatric hospital located in Chicago.

To review this complaint, the HRA conducted a site visit and interviewed the Director of Risk Management and the recipient's attending physician. The HRA obtained the recipient's record with written consent.

COMPLAINT SUMMARY

The complaint alleges that the recipient, upon his admission to Lakeshore, had indicated that he had been sober for two years and did not wish to attend AA (Alcoholics Anonymous)/12-Step meetings. Nevertheless, the recipient reports that he was mandated to attend these meetings over his objection.

FINDINGS

The clinical record for this recipient indicates that he was admitted voluntarily to Lakeshore on 3/21/14 for treatment of suicidal thoughts. He was discharged 3/28/14. The physician's Discharge Summary for the recipient states, "This is the 11th known psychiatric

admission for this 49-year old single, domiciled disabled ...immigrant with a long history of depression, anxiety, PTSD, daily panic attacks, cannabis dependency..., hypothyroidism, high lipids, hypertension,, and asthma who presented as a walk-in to Chicago Lakeshore Hospital complaining of increasing anxiety, daily panic attacks, and suicidal ideation with a plan of overdosing, which occurred one week ago after a friend disowned him. The patient has had homicidal ideation in the past and some paranoid ideation regarding the safety of his neighborhood. He is currently in an outpatient treatment with Dr.... Current medications include clonazepam 2mg in the morning, Ambien 10 mg at night, bupropion XL 300 mg in the morning, and quetiapine 100 mg at night. He has a therapist and case manager and a ...primary care physician for his medical problems. Symptoms of depression currently include decreased energy, increased isolation, increased irritability, decreased concentration, increased helplessness, decreased appetite, daily panic attacks and difficulty getting out of bed. He was last hospitalized ...in 2013 and he was hospitalized in Chicago Lakeshore Hospital under my service in 2012. The patient has a history of attempting to hurt himself by overdosing and hanging himself in the 1980's. He has a history of alcohol problems, but he has been sober for the past two years and he has been using cannabis daily, which patient states, 'I am ready to give up to get into [a specialized housing program]....'" The recipient's Initial Psychiatric Treatment Plan is included in the record. The recipient's third Problem area is identified as "Housing. Patient wants [a specialized housing program]." The Intervention is to have the social worker at Lakeshore contact the recipient's case worker and start the paperwork for housing, as well as attend 12 Step meetings. The Goals for treatment include beginning the applications for housing and abstinence from cannabis. The recipient's short – term goals are identified as engaging in treatment groups and meetings.

The record contains only one reference to a substance abuse group, entered on 3/25/14 at 8:30 p.m. It states, " 'I'm just chilling out waiting for the meeting' . Pt made this comment to this writer while in his room in regards to attending the 12-step meeting. Pt appeared calm, had a flat affect, and was cooperative...." There is no indication from the progress or group notes that the recipient had objected to either the 12-Step (group focused on the meaning and intent of the steps of AA) or Alcoholics Anonymous (group discussion in which members volunteer their own experiences or stories of addiction and recovery).

Hospital Representatives' Response.

Hospital representatives were interviewed regarding the complaint. They indicated that patients are always free to refuse any group, including 12-Step or AA group. The facility offers AA (Alcoholics Anonymous) weekly in the evenings and this meeting follows the standard format for AA members and is always voluntary. The HRA noted that generally, the 12-step or AA meeting is a fellowship meeting where members share their own experiences and may have a NA (Narcotics Anonymous), CA (Cocaine Anonymous), AA, or other type of focus. Generally, 12-Step meetings incorporate the AA model which is spiritually oriented and involves acknowledging personal insufficiencies while accepting the help of a higher power. Additionally, 12-Step or AA meetings are customarily incorporated into a recovery plan. The recipient's physician in this case had recommended the AA/12-Step group because the recipient had set a goal of finding a specialized housing program, which require that the recipient be clean and sober. Since the recipient had reported using cannabis almost daily, he was offered AA/12-

Step work to support his efforts to remain free of drugs. The recipient's physician stated that this was the second time he had served as the recipient's attending physician, and he was unaware of him ever objecting to AA/12-Step meeting attendance. Additionally, the physician also stated that the recipient signed rights documents upon admission and these rights include the right to refuse services of any kind.

STATUTORY BASIS

The Mental Health Code guarantees the right to refuse treatment unless the recipient threatens serious and imminent physical harm to himself or others:

"An adult recipient of services...must be informed of the recipient's right to refuse medication... The recipient...shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication... If such services are refused, they shall not be given unless such services are necessary to prevent the recipient from causing serious and imminent physical harm to the recipient or others and no less restrictive alternative is available. The facility director shall inform a recipient...who refuses such services of alternate services available and the risks of such alternate services, as well as the possible consequences to the recipient of refusal of such services" (405 ILCS 5/2-107).

HOSPITAL POLICY

Lakeshore does not have written policy regarding patients' right to refuse services. Additionally, there is no policy which requires AA participation or that indicates AA participation is voluntary.

CONCLUSION

The record does not support the allegation that the recipient was forced to attend AA/12-Step meetings for the treatment of his cannabis abuse. The recipient expressed his desire to abstain from the use of cannabis so that he could secure specialized housing, and for this reason AA group work was included in his treatment plan, however he was free to refuse these meetings, which are voluntary for everyone. The HRA does not substantiate the complaint that the hospital did not follow Code procedures when it did not allow a recipient to refuse Alcoholics Anonymous meeting attendance.

SUGGESTION

1. Develop policy which addresses patients' right to refuse treatment services.