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**FOR IMMEDIATE RELEASE**

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**HUMAN RIGHTS AUTHORITY - PEORIA REGION**  
**REPORT OF FINDINGS**

**Case #14-090-9017**  
*Tazewell County Resource Center*

**INTRODUCTION**

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations at Tazewell County Resource Center (TCRC). The complaint alleged the following:

1. Communication violation.

If found substantiated, the allegation would violate the Mental Health and Developmental Disabilities Code (MHDD Code) (405 ILCS 5) and the Illinois Department of Human Services Rule 115 (59 Il Admin Code 115).

TCRC CILAs serve the population of Tazewell county and parts of Woodford county. There are 6 CILAs which house between 4-7 residents each and serve a total of 38 residents. There are 40 employees and the facility offers other programs such as workshops and employment services.

To investigate the allegation, HRA team members interviewed TCRC staff members and reviewed documentation that is pertinent to the investigation.

**COMPLAINT STATEMENT**

The allegation is that residents living in a CILA are only allowed to speak on a wall telephone in a common area that is not private and are only allowed 20 minutes per caller, per day.

**INTERVIEW WITH STAFF (3.21.2014)**

Staff began the interview by explaining that they have a court order with a particular resident who would receive calls from his mother that would monopolize the phone for a great amount of time. The resident had a cell phone which did not help the situation because there were instances when the cell phone was not working and the house phone would still be used. The facility enacted a rule in which all residents were to only stay on the phone for 20 minutes per phone call, but the phone was still being monopolized. Finally it was court ordered in 2011

that the resident could only speak with his mother for 20 minutes on a specific day and only once a day. Since then, the court order was vacated and it was left to the guardian to determine phone visitation rules. The resident's guardian developed a telephone arrangement and the call time has actually increased.

Staff stated that the resident and his mother would monopolize the phone for 3 or 4 hours at a time. The facility has had other incidents with the resident's mother and she was banned from the facility. Staff stated that the ban started 3 years ago and the resident's mother stopped causing trouble for months so they allowed her back into the facility but then more problems occurred. The resident's mother is now not allowed to be on the premises unless there is a scheduled visit.

Staff wanted to make the rules the same for everyone in the house so they did not appear to be unfair or discriminatory, so they made the rule that all residents could use the phone for 20 minutes per call. They also wanted to make this rule in case the resident's mother spoke to other residents' family members; she could not accuse them of discriminating against her. This rule was only in place while the issues with the phone were occurring, and then once the issues began to cease because of the court order, the rule gradually went away and staff stopped implementing the rule. The residents had to stop using the phone after 20 minutes, but if no one else needed the phone, they could use the phone again. The rule was never as stated in the complaint, which was a caller could only contact a resident once per day for 20 minutes (with the exception of the resident with the court order). Residents could receive a call from a family member, talk for the allotted time, and if that same family member called back later, the resident could speak with them again. Staff said that they never ran into any other residents who talked on the phone for 3 or 4 hours at a time. The rule regarding the 20 minutes was only implemented for a couple of weeks. Once the rule became known, there was no longer an issue and no other residents even used the phone for longer than 20 minutes. The resident was provided a cell phone but he still did not want to talk on that phone as much as his mother did. There is another client in the house that has her own cell phone and uses it whenever she wants.

Staff explained that the house phone is available to all residents and it is cordless and can be taken anywhere in the house. The HRA toured the CILA home and saw that the phone is cordless and working and that they have the number for the Office of the Inspector General posted next to the phone base. Staff explained they have had the cordless phone since the house has been opened and the staff never listens to phone calls.

Staff explained that the court order was vacated because they wanted to give the rights to the guardian. During the interview, staff said that they have a communication policy for all of the CILAs but the 20 minute phone call policy was never documented. Later, the HRA received clarification from staff that they have no communication policy for the CILAs. The other families were informed of the rule but did not mind because they did not use the phone for that long.

The HRA was also told that the facility Human Rights Committee did not review the 20 minute phone restriction because it was viewed as a means of securing rights for the residents due to the phone being monopolized, rather than restricting rights. The staff also stated that they

followed the MHDD Code regarding to the change, because residents and their guardians were notified of the change through the issuance of a new resident handbook. The facility grievance policy, including information on the Illinois Guardianship and Advocacy Commission, are a part of that same handbook so any issue regarding this or any other policy/procedure may be voiced in this manner.

### **FINDINGS (Including record review, mandates, and conclusion)**

The HRA reviewed records and policy pertinent to the complaints in this investigation.

#### **Complaint #1 – Communication violation**

With signed release, the HRA reviewed the records of the resident that the facility discussed in the site visit. The HRA did review a court order dated 12.21.11 which states that the resident's mother is allowed to call her son on Tuesdays or Wednesdays and one day of her choosing on the weekends. The order also states that the calls must be no more than 20 minutes in duration and the calls are to be made no later than 9pm. The order also reads that staff are not to refuse the call provided that it is before 9pm and only lasts 20 minutes. Staff can monitor the call to ensure time limits but otherwise the calls are private and should not be interrupted. The HRA also reviewed a court order dated 3.5.2014 which vacates the visitation order mentioned above. The HRA was provided a document that the facility stated was the guardianship order regarding visitation from the resident's guardian. The document is not signed or dated and stated that the resident's mother can call her son on Tuesday and Saturday or Sunday. The document gives the schedules when the calls can be made and states that the duration of the call is 30 minutes.

The HRA also reviewed the facility handbook, with a revision date of 3/2014 which indicates that the resident's rights are protected under the Mental Health and Developmental Disabilities Code. Later in the handbook, there is a section titled "Freedom of Association and Correspondence" which reads that the resident has the right to meet with anyone of the resident's choice with guardian consent, unless it infringes on other residents' rights. The section also reads that residents have the right to receive mail and that "Telephones will be available and accessible for you to make and receive calls at the appropriate times." In a different section of the handbook, titled "Visitation Guidelines" it reads "For the courtesy of the other residents, all phone calls will be limited to 20 minutes in length unless prior authorization is given by the Residential Supervisor or Vice President of Residential Services. If after 20 minutes no one else needs to use the telephone, you may continue usage. You may purchase your own cell phone."

The HRA also reviewed a prior version of the facility handbook with the revision date of 8/12, which has the same sections as cited above, with the exception of the "Visitation Guidelines" which reads "All phone calls will be limited to 20 minutes unless prior authorization is given by the Residential Supervisor or Vice President of Residential. You may purchase your own cell phone." This version of the handbook does not state that after 20 minutes the resident can continue usage unless another resident needs to use the phone. It was explained by TCRC staff that this practice was in place but it was added for clarification to the handbook. The complaint was accepted by the HRA in 1/2014 and the HRA attended a site visit on 3.21.2014,

so the August handbook would be the one that applies to the complaint and not the newest handbook that was updated in March.

The HRA also reviewed the individual's rights document, provided by the Illinois Department of Human Services (DHS), which was signed by the resident's guardian on 5.24.2013. The document reads "You have the right to communicate with other people in private, without obstruction or censorship by the staff. Communication by these means may be reasonably restricted, but only to protect you or others from harm, harassment or intimidation."

The HRA also found that the handbook address for the office of the Peoria regional Illinois Guardianship and Advocacy Commission is incorrect.

The Rule 115 reads that "a) Employees shall inform individuals entering a CILA program of the following: 1) The rights of individuals shall be protected in accordance with Chapter II of the Code except that the use of seclusion will not be permitted ... 4) Their right to contact the Guardianship and Advocacy Commission, Equip for Equality, Inc., the Department's Office of Inspector General, the agency's human rights committee and the Department. Employees shall offer assistance to individuals in contacting these groups giving each individual the address and telephone number of the Guardianship and Advocacy Commission, the Department's Office of Inspector General, the Department, and Equip for Equality, Inc." (59 II Admin Code 115.250)

The Mental Health and Developmental Disabilities Code reads "Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation ... (b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission" (405 ILCS 5/2-103). The Code also states "The Secretary of Human Services and the facility director of each service provider shall adopt in writing such policies and procedures as are necessary to implement this Chapter. Such policies and procedures may amplify or expand, but shall not restrict or limit, the rights guaranteed to recipients by this Chapter" (405 ILCS 5/2-202).

CILA rules read "Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation" (59 II Admin Code 115.320). The MHDD Code reads "§ 2-201. (a) Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason therefor to: (1) the recipient and, if such recipient is a minor or under guardianship, his parent or guardian; (2) a person designated under subsection (b) of Section 2-200 upon commencement of services or at any later time to receive such notice; (3) the facility director; (4) the Guardianship and Advocacy Commission, or the agency designated under "An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities,

and amending Acts therein named”, approved September 20, 1985, if either is so designated; and (5) the recipient's substitute decision maker, if any. The professional shall also be responsible for promptly recording such restriction or use of restraint or seclusion and the reason therefor in the recipient's record. (b) The facility director shall maintain a file of all notices of restrictions of rights, or the use of restraint or seclusion for the past 3 years. The facility director shall allow the Guardianship and Advocacy Commission, the agency designated by the Governor under Section 1 of “An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named,” approved September 20, 1985, and the Department to examine and copy such records upon request. Records obtained under this Section shall not be further disclosed except pursuant to written authorization of the recipient under Section 5 of the Mental Health and Developmental Disabilities Confidentiality Act” (405 ILCS 5/2-201).

### *Complaint #1 - Conclusion*

The HRA would like to first state that decisions made through the legal system are out of the jurisdiction of the HRA, so findings in this complaint do not apply to orders made by the court.

The HRA reviewed the facility handbook and believes it was not clear regarding the rules of facility phone usage but the revision of the handbook does clarify the rules. Although the phone procedure does appear in the handbook, there is no documented communication policy for staff to refer to which is a violation of 405 ILCS 5/2-202, and because of this, the HRA finds this complaint **substantiated** and makes the **recommendation that the facility create a communication policy to comply with the Code. The HRA requests evidence of the policy and staff training on the policy.** The HRA also offers the following **suggestions**:

- The HRA appreciates the idea of creating a fair community but is concerned that the facility restricted others based on a legal decision for one individual. Since services must be tailored *individually* according to the Code and CILA Rules, the HRA suggests that in the future, other residents should not be restricted in the name of fairness whenever one individual presents a problem.
- The facility staff also stated that they do not have a formal resident’s rights policy documented and the HRA strongly suggests that the facility create a policy regarding resident rights and train staff in the policy.
- The HRA office contact information in the handbook needs updated for the Peoria Regional HRA per Chapter 405 of the MHDD Code which reads: "§ 3-206. Whenever a person is admitted or objects to admission, and whenever a recipient is notified that his legal status is to be changed, the facility director of the mental health facility shall provide the person, if he is 12 or older, with the address and phone number of the Guardianship and Advocacy Commission. If the person requests, the facility director shall assist him in contacting the Commission."
- The HRA reviewed the individual rights form provided by the Illinois Department of Human Services and saw that there is a newer form available online that provides the IGAC address as a contact. Per Chapter 405 of the MHDDC, the HRA suggests the

facility use the most current DHS form in order to provide the correct IGAC contact information.

- In their handbook under “Freedom of Association and Correspondence” it states that the resident has the right to meet with anyone of the resident’s choice *with guardian consent*. This statement misrepresents the Code’s intention and needs to be clarified that a resident may communicate with persons of *his choice*, not the guardian’s, unless it is necessary to prevent harm, harassment or intimidation per the MHDD Code (405 ILCS 5/2-103).
  - The facility stated that the rights restriction process was followed by adding the restriction to the facility handbook where there is also information on contacting the IGAC. Although this may technically comply with the MHDD Code, 405 ILCS 5/2-201, the process does not present the policy as a restriction and asks that the facility review the Code to insure that they are following all rights restriction processes as mandated by the Code.
  - The HRA was told that the restriction was not reviewed by the facility Human Rights Committee per CILA Rules, 59 II Admin Code 115.320, because it was not viewed as a restriction by staff. The HRA believes that when telephone time is limited, it would be considered a restriction and suggests the restriction be reviewed by the facility Human Rights Board.
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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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# TAZEWELL COUNTY RESOURCE CENTERS, INC.

*Caring for Special People...Birth to Seniors*

*Corporate Office*  
**NEWLUN CENTER**  
21310 Illinois Route 9  
Tremont, IL 61568  
P (309) 347-7148  
P (309) 925-2061  
F (309) 925-4241

**HIGHLAND STREET  
CENTER**  
501 Highland Street  
Morton, IL 61550  
P (309) 291-0108  
F (309) 291-0116

**TCRC, INC.  
THE VIEW POINTE**  
81A E. Queenwood Road  
Morton, IL 61550  
SC P (309) 291-0573  
EI P (309) 291-0571  
Fax (309) 291-0575

*Communication regarding  
other TCRC facilities can  
be directed to the Newlun  
Center (above).*



Gene Seaman  
Human Rights Authority – Peoria Region  
Case #14-090-9017  
TCRC Official Response

6/10/14

The substantiated complaint dated 5/21/14 received by TCRC stated that while all practices were in order, TCRC did not have a formal policy in line with 405 ILCS5/2-202. In efforts to correct this, TCRC now has in place our “Residential Communication Policy”. This policy has been approved by the Board of Directors and has been reviewed with all residential staff and leadership. As a part of this response, please find the included copy of the policy as well as the signatures of each person in the residential department.

With regards to the suggestions from the HRA, TCRC has updated the residential handbook and rights statements to reflect the recommended changes. The issue regarding communication will also be taken through the Human Rights Committee and will be reviewed as appropriate to make sure any rules put in place remain necessary and appropriate.

On behalf of TCRC, thank you for the opportunity to discuss the complaint and concern, as well as helping us provide the best possible services as we strive to fulfill our mission.

Sincerely,

Greg Cassidy  
Senior VP of Program Services  
TCRC, Inc.



**REGIONAL HUMAN RIGHTS AUTHORITY**

**HRA CASE NO. 14-090-9017**

**SERVICE PROVIDER: TCRC**

Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 *et seq.*), we have received the Human Rights Authority report of findings.

**IMPORTANT NOTE**

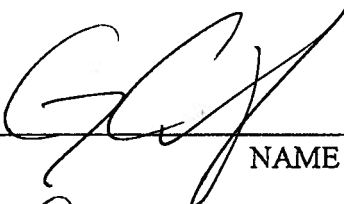
**Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you have provided and indicated you wish to be included in a public document will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.**

We ask that the following action be taken:

We request that our response to any recommendation/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

  
\_\_\_\_\_  
NAME  
*Senior VP of Program Services*  
\_\_\_\_\_  
TITLE  
*6/10/14*  
\_\_\_\_\_  
DATE