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**FOR IMMEDIATE RELEASE**

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North Suburban Regional Human Rights Authority  
Report of Findings  
HRA #14-100-9019  
Elgin Mental Health Center

**Introduction**

In December 2013, the North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (hereafter referred to as Center), Forensic Treatment Program (FTP), Unit I. A complaint was received that alleged that a consumer received an unjust communication restriction. The rights of consumers receiving services at the Center are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/2-103).

Recipients 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 interviewed the consumer via telephone and with written consent reviewed portions of his clinical record. A site visit was conducted at which time the HRA discussed the allegation with the consumer's Social Worker.

**Findings**

The clinical record contained data on a male consumer remanded to the FTP program in late July 2013. During the first few days of the hospitalization, it was noted that he was using the telephone. About a week after admission, documentation indicated that a staff member assisted him with making a call to his attorney. (The unit's consumer legal telephone is in a conference room. The consumer requests to use the phone; the consumer and/or staff member calls the Center operator to obtain an outside line. The door to the conference room is closed and the staff member must remain outside the room.). The note stated that the law office personnel reported to the staff member that they do not represent the consumer and that he had been making repeated harassing and threatening calls to them and that they did not want to receive any more calls from him. On August 12, 2013, progress note documentation indicated that for the past five days the consumer had been calling police departments and a mayor's office; these entities contacted the Center and asked that the calls be stopped. In early September 2013, another outside source contacted the Center saying that the consumer had been making threatening and harassing phone calls and they asked that the calls be stopped. A few weeks into September another company contacted the Center

saying that the consumer had been making harassing telephone calls. For each request from the outside source asking that the calls cease, the consumer was placed on a 7-day communication restriction. The chart contained the mandated physician's orders and Restriction of Rights Notices for the restrictions. All communication restrictions were discontinued by September 23, 2013.

At the site visit, the Social Worker explained that a consumer is placed on a communication restriction only when the Center receives notification from an outside party saying that the consumer is to no longer contact them via the telephone. It was stated that the Center had received notification from a few outside entities saying that the consumer was making harassing and threatening telephone calls and asked that the calls be stopped. It was stated that the consumer is given a copy of the Restriction of Rights Notices that show the entity/person that requested that the calls be stopped. The Social Worker stated when a consumer is placed on a communication restriction the consumer is to use the unit's legal telephone for all calls so that staff members can monitor the number being called to ensure it is not a restricted number.

The FTPs Phone Procedures policy states that "patients shall be allowed to place calls to attorney with minimal reasonable limitations to the number, length, and time of calls. Patients have 2 options when making calls: a) they may use the free phones located in the unit dayrooms during approved items or; b) they may use the designated attorney phones (located in the conference room) with assistance from staff (available 24 hours a day/7 days a week.) Those patients wishing to use on-unit attorney phones to contact their attorneys, will comply with the following protocol: a) the patient will notify staff (caseworker, charge nurse) that they wish to use the attorney phone to place a phone call to their attorney; b) staff schedule a time for the phone call in a timely manner - no later than the end of the shift during which the request is made..."

### **Conclusion**

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 5/2-103, "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... 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. When communications are restricted, the facility shall advise the recipient that he has the right to require the facility to notify the affected parties of the restriction, and to notify such affected party when the restrictions are no longer in effect. However, all letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, Guardianship and Advocacy Commission, or the Agency designated pursuant to "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, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities. (d) No facility shall prevent any attorney who represents a recipient or who has been requested to do so by any relative or family member of the recipient, from visiting a recipient during normal business hours, unless that recipient refuses to meet with the attorney." Section 5/2-201 requires that issuance of restriction of rights notices whenever rights are restricted.

The clinical record contained documentation showing that the consumer's communication was restricted based on requests from outside parties that the communication cease; the allegation that the consumer received an unjust communication restriction is unsubstantiated.

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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*

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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

April 15, 2014

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

Re: HRA #14-100-9019

Dear Ms. Larson:

Thank you for your thorough review of this matter. I note that none of the allegations were substantiated. The staff at the Elgin Mental Health Center strives to provide the best possible care and treatment for our patients. As always, we will continue to work to quickly resolve any patient concerns.

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

Sincerely,

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

PNB/JP/aw



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Pat Quinn, Governor

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