



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 15-030-9017

JOHN J. MADDEN MENTAL HEALTH CENTER

Summary: The HRA did not substantiate the complaint that a recipient did not feel safe while on the unit due to several altercations that happened while he was there, that he and his fiancé were disrespected by a staff person during visitation, and that his visitation with his fiancé was suspended for no reason.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at John J. Madden Mental Health Center (Madden). It was alleged that a recipient did not feel safe while on the unit due to several altercations that happened while he was there, that he and his fiancé were disrespected by a staff person during visitation, and that his visitation with his fiancé was suspended for no reason. If substantiated, this would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.).

Madden Mental Health Center is a 150-bed, Illinois Department of Human Services (DHS) facility located in Hines, Illinois.

To review these complaints, the HRA conducted a site visit and interviewed the Medical Director, the Director of Nursing, the Quality Manager, and a Registered Nurse. Hospital policies were reviewed, and the recipient's clinical records were reviewed with written consent.

COMPLAINT SUMMARY

The complaint alleges that a recipient did not feel safe during his hospitalization due to several physical altercations which transpired while he was on the Unit. Over the weekend of May 2nd, he was visited by his fiancé who at one point kissed the recipient. Reportedly, a staff person then became very belligerent toward the recipient and his fiancé and was so disrespected that she had to leave early. The staff person allegedly said, "If you are going to talk back to me,

the visit will be suspended.” After the visit the recipient stated there was an odor of marijuana in his room, which he shares with two other recipients. He was strip searched but no marijuana was found. However as a result of this incident, all visitation with his fiancé was reportedly suspended.

FINDINGS

The recipient was admitted to Madden on 4/30/15 and was discharged on 5/7/15. His Discharge Summary describes his history and hospital course:

This is a 39 year old Hispanic male who was brought in for depression, hearing voices telling him to hang himself. He complained of feeling hopeless, helpless, and worthless. He expressed suicidal ideation but no plan. He stated that he had no support system, no money, nowhere to go. He was on an ankle monitor. He was just released from jail. He says, ‘My mind has turned against me.’ He was complaining of experiencing visual hallucinations of demons and small creatures. Old charts were reviewed. No psychosis was reported in the past charts. The patient complained of initial and terminal insomnia. No appetite. No energy. No homicidal ideations. One day ago the patient presented with complaint of right flank pain, hematuria, and was asking for pain medications. He was sent to [area hospital] for evaluation. All results were negative. He had the exact same presentation to Madden in 2008 with flank pain hematuria. He was sent to [area hospital] twice in 2008 again. All results were negative. He has had more than 20 past psychiatric admissions. He was diagnosed with Depressive Disorder, not otherwise specified, Alcohol and Cannabis Abuse, Antisocial Personality Disorder. According to the patient, he was allergic to Haloperidol, Toradol, Morphine, and Hydroxyzine.”

All Incident Reports that were issued on the unit during this patient’s hospitalization were submitted by Madden to the HRA for review:

- 1) 4/30/15 Event: “As pt. [the complainant in this case] came to the desk to ask for medicine, writer noticed breath smelling of smoke. Mental Health Technician (MHT) went to the room to check and reported a possible marijuana smell. Security called to assist with the search but no contraband found. Nursing supervisor notified. Dr. ... notified but wants to leave decision to treatment team about visiting restriction.”
- 2) 5/02/15 Event: “Pt. extremely agitated threatening requiring emergency medications. After receiving one medication pt. scratched MHT on the arm.”
- 3) 5/03/15 Event: Pt. [the complainant in this case] making verbal threats of bodily harm to MHT, saying this staff was in the wrong regarding contraband brought in by pt. on 4/30/15. Pt. stated, ‘When she gets in, I’m not gonna say anything, I’m just gonna handle my business. It’s that bitch’s fault if I can’t get my items.’ These threats made even after pt. informed may have items after thorough check for contraband.”
- 4) 5/06/15 Event: “As MHT was making rounds staff found [the complainant’s in this case] mouth on [another patient’s] breast, both patients clothed and [female patient] right away came out of the room with staff. She apologized for her behavior but [the complainant] wants to know ‘what’s gonna happen?’ Both pts. counseled. Nursing Supervisor and Psych Dr. notified.”

The record contains 4 Notices Regarding Restricted Rights of Individuals forms completed for the recipient:

1) 4/30/15 at 10:30 p.m. until 5/01/15 at 10:30 p.m. Visitation restriction due to “Breath smells of smoke after a visit with a female visitor he calls ‘wife.’” The Notice indicates that a copy was given to the recipient and that he did not want anyone to be notified. The Progress Notes for this incident state, “Pt came to the desk asking for medicine, breath smells of smoke and laughed at writer when asked if he was smoking. MHT went to the room to check and reported smoke smells marijuana; security was called to assist, searched but no contraband found; incidentally during visit with a female staff closely monitored them; found suspicious movements between pt. and visitor. After the visit pt asked to shower ‘since today fresh clothing were brought in.’ Nursing supervisor notified. Dr. ... notified. Treatment team can decide on visitation restriction.”

2) 5/01/15 at 11:00 a.m. Visitation restriction due to “Per MD order due to that Patient’s visitor brought into unit contraband.” The Notice indicates that a copy was given to the recipient and that he did not want anyone to be notified. The Progress Notes for this event state, “Patient is very rude, demanding, screaming for his pain medication though it is not ready yet. Patient also very uncooperative and is acting out. Patient gave a reddish colored urine this morning which was sent for UA- specimen was seen by Dr. ... Patient was asked to submit another urine specimen with staff to supervise the collection of the specimen, given urine cup but patient tossed the cup in the sink and stated, ‘I’m not giving you anything- that is a dumb fucking thing.’”

3) 5/01/15 at 7:30 p.m. Emergency medication administered for “Patient is extremely agitated, he is very provocative, threatening bodily harm to peers, standing in a fighting stance in front of a peer, he refused multiple staff redirections; continues to escalate and threaten.” The Notice indicates that the recipient’s Individual Preferences for Emergency Treatment were utilized, that a copy of the Notice was given to the recipient, and that he did not want anyone to be notified. The Progress Notes for this event state, “...Patient is extremely agitated, he is very provocative, threatening bodily harm to peers, standing in a fighting stance in front of a peer he refused multiple staff redirections, continued to escalate. Pt is an imminent danger to others...”

4) 5/04/15 at 9:35 p.m. Emergency medication administered for “Pt. threatening, demanding to go to hospital, ‘I fuck somebody up if I don’t go’ so pt continues to make threat. Emergency medication given Geodone 10 mg im [intramuscularly] and Lorazepam 1 mg im.” The Notice indicates that the recipient’s Individual Preferences for Emergency Treatment were utilized, that a copy of the Notice was given to the recipient, and that he did not want anyone to be notified. The Progress Notes for this event state, “Pt comes to nursing station demands to go to the hospital threatens what he is going to do to staff if he does not go stating, ‘You better let me the fuck out of here, I need to go to the hospital now bitch.’ Pt continue to make threat, would not be redirected, ‘I will get you it might be tonite or tomorrow I got you, you will see’. Emergency med given Geodon 10 mg im and Lorazepam 1 mg im with ROR....”

FACILITY REPRESENTATIVES’ RESPONSE

Hospital representatives were interviewed about the complaint. They indicated that the recipient had approached staff at the nurses' station requesting medication, when staff smelled smoke on him. Security was then called to search his room, per hospital policy. The recipient was in a four- person room at the time however he was the only person who had smelled of smoke and he was the only one who had had a visitor that day. Patients are generally not stripped searched for contraband, however pockets are checked and they can be patted down by security if staff suspects they have cigarettes or marijuana. All the roommates who were present at the time were searched. Initially the restriction of visitation was for 24 hours and was then reviewed again on the 5/01/15 and made permanent (the recipient was hospitalized from 4/30/15 until 5/7/15). In addition to the smoking issue, the recipient also had been counseled and redirected about his inappropriate sexual acting out on the unit (and in an ambulance when he exposed himself). Staff indicated that the recipient required constant redirection for inappropriate sexual behavior. They indicated that generally, visitors sit across from each other during visitation and are redirected for any touching. Staff were asked if the staff would have been uncomfortable with the recipient kissing or touching his fiancé and they indicated that all patients would be redirected from this type of behavior but it was particularly necessary for this patient. They did not believe that the recipient or his fiancé would have been disrespected for this behavior, but merely redirected.

Staff were interviewed about the safety of the unit during the recipient's hospital stay. They indicated that during his hospitalization there were 4 Incident Reports issued, and three of them involved the recipient in this case. The record shows that he had a smoking incident, an incident of physically threatening staff, and an incident of sexual acting out with another patient. Additionally, his threat of violence against a staff member necessitated the staff being re-assigned for the remainder of his hospitalization.

STATUTES

The Mental Health and Developmental Disabilities Code states that: "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" (405 ILCS 5/2-102 a). Adequate and humane services are described as "...services reasonably calculated to prevent further decline in the clinical condition of a recipient of services so that he or she does not present an imminent danger to self or others" (405 ILCS 5/1-101.2).

The Mental Health Code mandates that recipients shall be permitted unimpeded, private and uncensored communications with persons of their choice by mail, telephone and visitation. Correspondence must be conveniently received and mailed and reasonable times and places for the use of telephones and for visits may be established by the facility. Communication may be reasonably restricted only in order to protect the recipient or others from harm, harassment or intimidation. When communication is restricted, the recipient must be advised that he has the right to require the facility to notify the affected parties of the restriction and when the restriction is no longer in effect (5/2-103).

Additionally, the Code states that whenever any rights of the recipient of services are restricted, notice must be given to the recipient, a designee, the facility director or a designated agency, and it must be recorded in the recipient's record (ILCS 405 5/2-201).

FACILITY POLICY

Madden provided their policy regarding Patient Visitation (#210). It states, "It is the policy of the Madden Mental Health Center, in compliance with the Illinois Mental Health and Developmental Disabilities Code, that all patients shall be permitted unimpeded and uncensored visitation with persons of their own choice. In order to maintain a safe environment and to protect patients' right to confidentiality, visitors are only allowed to enter the treatment pavilion if patients give prior approval for specific individuals to visit... Unimpeded and uncensored visitation may be reasonably restricted in order to protect the patient or others from harm, harassment, or intimidation; to prevent elopement; to preserve the safety and security of the environment; or when patient's request not to receive certain visitors."

Madden provided their Patient and Family Handbook for review. The handbook clearly directs the patients away from smoking: "Smoking is not allowed on the hospital property and grounds. For your safety and the safety of others, matches, lighters, cigarettes, etc., are not allowed on the unit. These items will be taken from you and stored in a safe place until you leave the hospital (Disposable lighters are not given back). Please let your close friends and/or family know that they should not bring these items to the hospital. You may ask your medical doctor to give you something to help you control your urge to smoke."

The Patient Handbook also describes the Visitation policy: "We encourage the involvement and visitation of family and friends who are supportive of your recovery. You have the right to choose who may or may not see you and you may refuse all visitors... Your visitors must check in at the hospital reception desk before seeing you... Inform your visitors that any packages or bags they bring will be checked by nursing staff and/or security before they are allowed to see you. No cell phones, cigarettes, or other smoking materials will be allowed on the Pavillion. This is to make sure that you and others stay safe. You or your family should ask a nurse or your case coordinator if there are questions about what they may or may not bring."

CONCLUSION

Although there were 4 Incident Reports issued during the period of this recipient's hospitalization, three of them involved the recipient. The record does not describe a milieu that would be dangerous or threatening, and most of the incidents involved the recipient himself. The staff who were present at the time of the incidents involving the recipient's visitation indicated that he had to be constantly redirected for inappropriate behavior and that they believed he had obtained cigarettes from his fiancé. He was issued a Restriction of Rights

Notice and knew the reasons for his restrictions of his visitation rights. The HRA does not substantiate the complaint that a recipient did not feel safe while on the unit due to several altercations that happened while he was there, that he and his fiancé were disrespected by a staff person during visitation, and that his visitation with his fiancé was suspended for no reason.