



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

**REPORT 15-030-9019
Major Jenkins Mercy Housing**

Case Summary: The HRA did not substantiate the complaint that the facility would not allow a resident's personal assistant to visit the resident, however it did substantiate that the facility did not respond to a grievance filed by the resident. The provider response follows this report.

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Major Jenkins Mercy Housing (Major Jenkins). It was alleged that the facility would not allow a resident's personal assistant to visit the resident, and did not respond to a grievance filed by the resident. This would violate the Supportive Housing Facility Rules (305 ILCS 5/12-4.5).

Major Jenkins Mercy Housing is a 160-apartment facility which is certified to accept persons with mental health issues.

To review these complaints, the HRA conducted a site visit and interviewed the Assistant Property manager, the Resident Services Manager, the Case Manager, and the Area Director of Operations. Program policies were reviewed as were the adult recipient's records upon written request.

COMPLAINT SUMMARY

It was alleged that the facility did not allow a resident's personal assistant to visit the resident and did not respond to a grievance filed by the resident. The resident has lost the use of his left arm and has limited use of his left leg due to a stroke and requires a personal assistant to help him with daily living.

FINDINGS

The record shows that the resident signed the Major Jenkins Lease Agreement and its Addenda on 2/18/15, indicating his agreement to all Group House Rules.

The record contains the resident's documented Lease Violations, Incident Reports, and accompanying notes:

2/21/15 Entry into the notes regarding the resident's guest who is still present after visiting hours.

2/24/15 Entry into notes: "...At 11:15 p.m. tenant ... reported hearing crying coming from [resident's] room as she was coming down the stairs. I went up and it was [the resident's apartment] and his guest was talking very loudly. I came back down and called [the resident] and told him he and his guest talk a little quieter. He said OK. At 11:25 [the resident] and his guest came down. She refused to sign out and stood in the lobby area cursing and cursing out [the resident] until she left at 11:30 p.m." The record contains an Incident report for this event completed the night of the incident.

4/03/15 Entry into the notes states, "Tenant in [the resident's apartment] guest thinks she can leave when she wants, she didn't come downstairs til midnight."

4/16/15 Entry into the notes states, "[Guest] of the resident refused to sign out and yelled at me stating her John Hancock is worth more than my life. She left the building angry." The record contains an Incident Report for this event completed the night of the incident.

5/06/15 Entry into the notes states, "At 7:45 a.m. [the resident's guest] was at the front desk waiting to see [the resident]. After [the resident] spoke to [his guest] he walked away and she began to become angry and started to yell. [The resident] walked away and went into the lounge. [The guest] said very angry that she wanted her stuff and she would call 911. I went into the lounge and told him what [his guest] had said. He went down the hallway back toward the front desk and said he is tired of everyone telling him what to do and he can't wait for the year to be up. He also said in the lounge she can get her stuff after he gets back from the hospital. [The resident] spoke to [the guest] and walked away again. [The guest], yelling said she wanted her stuff and she was going to call 911. [A witness] was at the desk and heard [the guest]. [The guest] was so loud that [the Property Manager] came out of her office and asked [the guest] to leave- she refused. [The Property Manager] told me to call 911 and I did. [The guest] left the building... At 8:05 [a witness] came into the building saying a woman with a cane was attacking a resident of the Major Jenkins. I called 911 and they were outside at 8:13 a.m...." The record contains an Incident report for this event completed the day of the event.

5/11/15 Written notice of Lease Violation presented to the resident. "Please be advised that I have met with you on several occasions regarding your guest behavior and the disruption it create [sic] for the building. In addition to the constant issues with [the guest] exceeding the allowed building time for guest. There has been several other incidents that has been noted, due to the violation of the building rules. On 5-6-15, it was reported and the police was called, due to the severe violation of you and your guest fighting in front of the building, this is a violation of the No Loitering policy and building rules. There was another incident that I brought to your attention, where you and a male guest was blocking the hall by the desk clerk area, arguing and using profanity (about who was going to the liquor store). I informed you that according to the building rules, you are always responsible for your guest and your own actions and the incident

was inappropriate and could not be repeated. During the meeting I reiterated that your guest was barred from the building due to her constant inappropriate behavior, while visiting you. I also told you that on 5-9-15, incident was a severe violation due to the fact; you could harm an innocent person walking down the street, and we could have received a fine, due to you opening your window and throwing various clothing and other objects of [the guest] out of the window. This violation was observed and reported by various people.”

The record contains the resident’s most recent Individual Care Plan. For his Physical Health Section the Plan describes “Mild symptoms may be present but are transient; only moderate difficulty in functioning due to physical health problems.” For the Mental Health Section it states, “Recurrent mental health symptoms that may affect behavior but not a danger to self or others; persistent problems with functioning due to mental health symptoms.” The Plan does not indicate the need for or the presence of an assistant.

In the case opening documentation the HRA requested but did not receive a copy of the resident’s grievance. The attorney for Mercy Housing stated in his response to the record request “we have no documentation of, nor to the best of our knowledge has [the resident] ever filed a grievance related to this matter.” Also, he stated that the resident had never identified a personal assistant but instead referred to his female guest as his girlfriend or fiancé. At the site visit the resident’s Case Manager stated that he himself had filed the grievance and he obtained a copy of the complaint, written on 5/15/15, which states, “Mr... approached the Property Manager on his way out the door and asked her about his visitation privileges for his guest, [The Property Manager] replied, ‘Oh you still want that broad.’ [Resident] feels that her response was inappropriate. She also said that ‘Y’all think this is a game.’ [Resident] was shocked by her response because he said he approached her in a professional manner.” This complaint was emailed to the Area Director of Operations the same day. There is no indication that the grievance was ever addressed.

Facility Representatives’ Response

Facility representatives were interviewed about the complaint. They stated that the resident did not have a “personal assistant” but a girlfriend, who was a regular visitor at the facility. She had violated the guest rules and was prohibited from visiting the facility. For this reason the resident filed a grievance, giving it to his case manager to send to the Area Director of Operations. Staff stated that although each resident is given written and oral information on filing a grievance when they are admitted, there is no hotline number or central number to use to report grievances. The Area Director of Operations was present for a short time at the site visit and she stated that she was not aware of any grievance. She was reminded by the Case Manager that he had sent her the resident’s grievance several months ago and she indicated that she would look in her emails to see if she had handled it and had perhaps forgotten.

STATUTES

The Supportive Housing Program (SHP) (305 ILCS 5/12-4.5) defines its purpose as, “Provides supportive services which are delivered in conjunction with permanent and transitional housing, to low income individuals and families who are formerly homeless or at risk of

becoming homeless.” Participants are provided with “case management services, counseling services, and advocacy services within five days of admittance to the program. All participants must also have documented access, when applicable, to other supportive services.... All participants will have a service plan developed for implementation within the first week of admittance to the program. The individual service plan will detail monthly outcomes as well as ongoing goals to be accomplished by the participants with the assistance of the provider. The outcome will be verified through on-site field monitoring, quarterly reporting, and/or by information submitted in the Annual Funding Application... All progress and supportive services for participants will be tracked and progress reported within each participant’s case file that includes, at a minimum, a record of the participant’s supportive services, case management, progress, and benefit assistance...”

FACILLY POLICY

The resident’s Lease Agreement, signed by the recipient on 2/18/14, is included in the record. It outlines house rules including those regarding guests:

“This property has limited space for Visitors. In order to provide a quality home for all of our residents, we have outlined specific considerations/rules regarding resident guests. The Property Manager may make occasional allowances for special family situations if requests are made at least 24 hours in advance.

1. Guests are welcome and will be required to follow the rules of the building. Guests who violate building rules will not be allowed to enter the Property in the future.
2. Management reserves the right to refuse admission to any non-resident at any time.
3. You are responsible for all actions of your guest, while the guest is on the property. A rule violation or damage caused by a guest of a resident is treated as a rule violation by the Resident household they are visiting, regardless of the age of the visitor...
5. Guests may not stay on the property more than a collective 2 weeks (14 days) during a calendar year.
6. You may have one overnight guest at a time, no more than twice a week. Not applicable for approved caregivers.
7. If your guest is under 18, you must inform the Property Manager and provide documentation as required. The guest will be signed in for emergency purposes.
8. Guests 18 years and older must sign in and leave a valid identification with the desk Clerk. Agency workers may show a picture ID issued by the agency that they represent.
9. Visitors must know your name and your apartment number, and be allowed entry by you, or the Desk Clerk will not admit them.
10. Guests will not be admitted without your presence. The desk Clerk will attempt to reach you at your apartment but cannot be responsible to reach you elsewhere in the building.
11. Guests may visit from 8:00 a.m. until 11:45 p.m. No guests are admitted after 11:45 p.m.
12. You must accompany your guest wherever they are on the property.
13. Your guest privileges may be forfeited if you are in the process of being evicted or if your previous guests have had a history of violating house rules.”

The Lease also lists violations of house rules that may result in immediate eviction. They include violation of house drug/alcohol policies, drinking of alcohol in common areas, and threats of violence; violent, dangerous, or disruptive or injurious activity to other people or staff.

The facility provided the Mercy Housing Grievance Policy. It indicates that residents may lodge a complaint about another resident, about building related complaints, or about a staff member. In any case, the resident must fill out a written complaint form which is available at the front desk. For complaints against another resident or building related complaints, the resident meets with the Property Management, his/her Case Manager, and the Resident Services Manager to address the complaint. The Property Manager, Case Manager, and/or Resident Services Manager will hear the issue and then decide on corrective action(s) to be taken. All complaints are followed up within 48 hours of the manager receiving the complaint. The Property Manager will then file the complaint in the appropriate resident's file and send a copy to Resident Services to be filed. A manager will let the complainant know that the problem has been addressed, and will document the response either through written reply or recording of the verbal response. Only if the problem relates to another resident of the building is the manager prohibited from discussing the nature of the solution with the complainant. With regard to complaints involving staff members, the complaint form must be given to the staff person's supervisor. Supervisors will address complaints with staff and follow-up with complainants that the issues have been addressed. This is to be accomplished within 48 hours of issuance of the complaint.

CONCLUSION

The record demonstrates that the facility was justified in refusing admission of the resident's guest into the building. This person did not function as a personal assistant with a clinical role, but as a girlfriend, who fell under the same rules as those for all guests which were agreed to by the resident when he was admitted into the facility. Documentation shows that this guest was a disruption, and possibly a danger to other residents as well as passersby and she refused to comply with visitation timelines. The HRA does not substantiate the complaint that the facility would not allow a resident's personal assistant to visit the resident.

The record does show, however, that the resident filed a grievance which was not addressed by the facility staff according to their own policy for handling grievances. In fact, in their response to the HRA, the administrative staff did not acknowledge that a grievance was filed, even though the Case Manager demonstrated that he had emailed the grievance many months ago. Despite the fact that the facility had every right to restrict a visitor's admission into the facility, they should have honored the resident's grievance according to their own policy and procedure. The HRA substantiates the complaint that the facility did not respond to a grievance filed by the resident.

RECOMMENDATION

1. Review the facility policy for filing a grievance and ensure that all residents are afforded this right in a timely manner which complies with facility policy.

2. Ensure that all grievances are filed in the resident's record and that a copy is sent to Resident Services per facility policy.

SUGGESTION

1. Remind all staff to respond to residents with respect.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.



December 11, 2015


Ms. Ashley Casati, HRA Chairperson
Illinois Guardianship and Advocacy Commission
1200 S. 1st Avenue, Box 7009
Hines, Illinois 60141

RE: #15-030-9019

We will follow the recommendations of the HRA as follows:

1. Review the facility policy for filing a grievance and ensure that all residents are afforded this right in a timely manner which complies with facility policy.
2. Ensure that all grievances are filed in the resident's record and a copy is sent to Resident Services per the facility policy.
3. All staff will be reminded to respond to residents with respect.

Sincerely,


Valerie Legg
Area Director of Operations



CHICAGO REGIONAL HUMAN RIGHTS AUTHORITY

HRA CASE NOS. 15-030-9019

Major Jenkins Mercy Center

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.
- Included

*Please return
this with
your response*

Valerie Legg

NAME
Area Director of Operations

TITLE
12/11/15

DATE