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HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 15-030-9020  
Edward Hines, Jr. VA Hospital

Case Summary: The HRA did not substantiate the complaint that an 82 year old veteran, on a special diet, was sent to court without food for the day.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Edward Hines Jr. VA Hospital (Hines). It was alleged that the facility did not follow the Mental Health and Developmental Disabilities Code when an 82 year old veteran, on a special diet, was sent to court without food for the day. If substantiated, this would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.)

Hines is a 471-bed Veterans Administration medical facility that incorporates a 38-bed Behavioral Health unit.

To review these complaints, the HRA conducted a site visit and interviewed the Chief of Mental Health Services, the VA Office of General Counsel Staff Attorney, and the Medical Director of Inpatient Psychiatry. Hospital policies were reviewed, and the adult recipient's clinical records were reviewed with written consent.

COMPLAINT SUMMARY

The complaint alleges that a recipient, an 82 year old veteran with several health conditions, and on a special diet, was taken to mental health court without lunch. He then had to wait at court until 6:30 p.m. for an ambulance to transport him back to the VA hospital, causing him to remain without food from breakfast until late in the evening.

FINDINGS

The clinical record shows that the 82 year-old recipient was admitted into Hines VA on 4/01/15 with a diagnosis and history of Bipolar Disorder. The clinical record shows that he was petitioned for involuntary treatment and a court date was set for 5/14/15. A planning note

entered into the record on 5/13/15 at 7:55 a.m. states that "... a court hearing is firmly scheduled for Thursday, 5/14/15, 1:30 p.m., Madden Mental Health Court. ... Travel consult entered for round trip ambulance transportation for Veteran in regard to his scheduled court date. A 2S staff member will accompany Veteran to his hearing. And, a Petition for Involuntary Admission, along with a certificate have been prepared for Veteran's ambulance transportation provider...." A Mental Health Nursing Note from the afternoon of 5/13/15 states, "'I'm going to court tomorrow and I'm suing the VA...and maybe you!' Patient communicative but irritable during conversation with writer. He continues to take meals but refuses medication as prescribed...."

The record shows that the recipient was treated for numerous medical conditions and was placed on Contact Isolation and Universal Swallow Precaution as well as a monitor of all Intake and Output. An Attending Note entered on 5/13/15 indicates that the recipient "eats most of his meals with no choking or coughing." The record indicates that the recipient was on a dysphasia (low blood salt) diet at the time of his court date and had a water restriction.

The only Progress Notes for the date of the mental health hearing were entered on 5/14/15 during the night while the recipient was sleeping. There are no records regarding the recipient's meals or when he was transported to court or returned.

#### HOSPITAL REPRESENTATIVES' RESPONSE

The recipient's psychiatrist was present to discuss the complaint. He indicated that the hearing itself lasted for over three hours which is much longer than these hearings generally take. Under ordinary circumstances, the clinical nurse manager arranges the transportation to and from court, orders food and drink for the recipient, and then a nursing assistant accompanies the recipient to court. In this case, the recipient had several medical conditions which prohibited him from having food and drink. The physician noted that the recipient suffers from hyponatremia, or low blood sodium, and the only treatment for this condition is restricted water consumption. He also indicated that this patient had problems with swallowing and had been transferred to the medical unit when food he had aspirated had caused pneumonia. These precautions were noted in the file and staff were aware of them. Generally, Dietary Services maintains the record for each patient's meals- names are called for each meal before being dispensed and meals can be ordered outside of mealtime or saved if necessary.

#### STATUTES

Section 2-102 of the Code guarantees all recipients adequate and humane care and services in the least restrictive environment. "(a) 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. The Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient. The facility shall advise the recipient of his or her right to designate a family member or other individual to participate in the formulation and review of the treatment plan. In determining whether care and services are being provided in the least restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided. The recipient's preferences regarding emergency interventions under subsection (d) of Section 2-200 shall be noted in the recipient's treatment plan. [Section 2-200 (d) states that recipients'

emergency intervention preferences shall be noted in their treatment plans and considered if circumstances arise."

## CONCLUSION

The record shows, and the physician testimony confirms, that at the time of his hearing the recipient in this case had restrictions placed on his food and water intake due to medical problems which were identified in the record. The HRA does not substantiate the complaint that the facility did not follow the Mental Health and Developmental Disabilities Code's right to humane care when an 82 year old veteran, on a special diet, was sent to court without food for the day.

## SUGGESTION

1. Consider documenting in progress notes any events that might impact care, including a veteran being transported to a mental health hearing, the hearing outcome and variances in food input.