



FOR IMMEDIATE RELEASE

**HUMAN RIGHTS AUTHORITY METRO EAST REGION
HRA CASE # 15-070-9012
ALTON MENTAL HEALTH CENTER**

INTRODUCTION

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of a complaint at Alton Mental Health Center (AMHC), a state-operated mental health facility located in Alton, Illinois. The facility is a medium security mental health care facility serving 120 patients between the ages of 18-55. One hundred and ten of that number (88 males and 22 females) are housed in the Forensic Unit, and the remaining 10 patients are in the Civil Unit. Alton Mental Health Center employs 220 staff members to ensure that patients are supervised 24/7. The allegation being investigated states that the facility did not provide a recipient with adequate discharge planning and fitness determination. If substantiated, the allegations would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102, 5/3-202, 205.5, 209, 908).

METHODOLOGY

To pursue the investigation, the HRA team interviewed Alton Mental Health Center staff members. The HRA team also obtained and reviewed admission records, court orders, treatment plans and notices, discharge plans and notices, a transfer summary, agency policies, and the Alton Mental Health Center Consumer Handbook.

FINDINGS

The complaint indicates that the individual was not provided with adequate discharge planning and fitness determination while admitted to Alton Mental Health Center. The complaint erroneously states that the individual was admitted to Alton Mental Health Center on October 17, 2014; the admission actually occurred on October 22, 2014, from another state-operated facility (SOF).

Documents from the prior SOF indicate that the individual committed a felony offense while residing at that facility. On September 9, 2014, the individual was charged with the crime and remanded to the Department of Human Services (DHS) for fitness restoration services. The individual was to be placed at Alton Mental Health Center to receive those services; however, a bed was not available at that time. Consequently, the individual remained at the other SOF and was moved to a more secure cottage there until the transfer could be arranged. The other SOF's Treatment Plan report dated October 29, 2015 states that on September 16, 2014 the individual was administered the Illinois Forensic Fitness Test (IFFT) and the Competence Assessment for Standing Trial for Defendants with Mental Retardation (CAST-MR) to establish a baseline and to assist in evaluating her fitness. The test concluded that "results support the opinion that, within a degree of psychological certainty, the individual is fit to proceed" with trial. The report was forwarded to Alton Mental Health Center.

The individual was subsequently transferred to Alton Mental Health Center on October 22, 2014. According to the individual's record, discharge planning and forensic fitness testing/teaching

began upon admission. A document labeled Social Work Review of Progress states, "The Licensed Clinical Social Worker meets Monday through Friday with the individual to encourage the individual to learn forensic concepts to achieve forensic fitness. Provide support and educate as needed and communicate with the individuals' guardian." A November 7, 2014, letter to the Judge from AMHC's Forensic Coordinator states, "Based on the contents of the enclosed evaluation, it is our opinion that the (individual) remains fit to stand trial;.. is able to understand the nature of the charges against .. and is capable of cooperating in .. defense". A copy of the individual's treatment plan was included. The letter goes on to say, "Pursuant to Public Act 097-1020, Section 104-18 (c) allows for the treatment provider to arrange with the Court for the return of the defendant to the county jail pending a fitness restoration hearing. It is noted that [the recipient] has a court appearance scheduled on this matter on November 18, 2014." The letter was copied to the State's Attorney, the Defense Attorney and the Guardian. The individual appeared in court on November 18, 2015 and was subsequently returned to the cottage at the prior SOF per court order. The judge's order reads "All agree that DHS placement at [the prior SOF] is appropriate. The Court orders that the individual shall be remanded to the custody of DHS with placement at [the prior SOF] until further order of the court."

MANDATES/REGULATIONS

According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102):

Sec. 2-102. (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.

According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/3-202, 205, 205.5, 209, 908):

Sec. 3-202. (a) Every mental health facility shall maintain adequate records which shall include the Section of this Chapter under which the recipient was admitted, any subsequent change in the recipient's status, and requisite documentation for such admission and status.
(b) Nothing contained in this Chapter shall be construed to limit or otherwise affect the power of any mental health facility to determine the qualifications of persons who may be permitted to admit recipients to such facility. This subsection shall not affect or limit the powers of any court to order hospitalization or admission to a program of alternative treatment as set forth in this Chapter.

Sec. 3-205. Within 12 hours after the admission of a person to a mental health facility under Article VI or Article VII of this Chapter the facility director shall give the person a copy of the petition and a clear and concise written statement explaining the person's legal status and his right to counsel and to a court hearing. Following admission, any changes in the person's legal status shall be fully explained to him. When an explanation required by this Chapter must be given in a language other than English or through the use of sign language, it shall be given within a reasonable time before any hearing is held.

Sec. 3-205.5. Examination and social investigation. When any person is first presented for admission to a mental health facility under Chapter III of this Code, within 72 hours thereafter, excluding Saturdays, Sundays, and holidays, the facility shall provide or arrange for a comprehensive physical examination, mental examination, and social investigation of that person. The examinations and social investigation shall be used to determine whether some program other than hospitalization will meet the needs of the person, with preference being given to care or treatment that will enable the person to return to his or her own home or community.

Sec. 3-209. Within three days of admission under this Chapter, a treatment plan shall be prepared for each recipient of service and entered into his or her record. The plan shall include an assessment of the recipient's treatment needs, a description of the services recommended for treatment, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professional responsible for the implementation of the plan. The plan shall include a written assessment of whether or not the recipient is in need of psychotropic medications. The plan shall be reviewed and updated as the clinical condition warrants, but not less than every 30 days.

Sec. 3-908. The facility director of any Department facility may transfer a recipient to another Department facility if he determines the transfer to be clinically advisable and consistent with the treatment needs of the recipient.

CONCLUSION

Alton Mental Health Center admitted a client that had been deemed fit prior to admission by staff of the other SOF. Additional fitness determination testing by AMHC social workers also concluded that the client was fit. In addition, the court determined the discharge from AMHC back to the prior SOF. Therefore, the complaint alleging that AMHC did not provide adequate discharge planning and fitness determination is not substantiated.