



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #15-100-9013
Elgin Mental Health Center

Introduction

In June 2015, 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 K. A complaint was received that alleged that the consumer had been unjustly restricted from some personal possessions. It was also alleged that some of a consumer's personal possessions were damaged during a room search.

The rights of consumers are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5).

Consumers 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 conducted an on-site visit and discussed the allegation with the consumer's Case Manager and a Security Therapy Aide (STA). The HRA reviewed Center policies specific to the allegation and reviewed portions of the consumer's record, with written consent. The consumer whose rights were alleged to have been violated was interviewed by telephone.

Findings

According to the complaint, a consumer had ordered some art supplies; one item was a "small drawing board". It was reported that this board was restricted because it could be used as a weapon; the consumer did have access to the board with supervision. Regarding the room search, the consumer was given only a limited amount of time to "purge" his room. He reported that the time allotted was not enough time and in the process of cleaning the room, some art items were damaged.

A review of the clinical record showed that in early December 2014, the consumer was restricted from certain items. The Social Worker documented that the consumer requested that the Illinois Guardianship and Advocacy Commission (IGAC) be notified of the restriction. The Notice regarding the restriction was sent to IGAC and it documented that the consumer was restricted from contraband list items due to safety and security. The items included: "two sandpaper (pencil sharpeners), numerous metal piercings, one hard board and painters tape".

According to the clinical record, in early May 2015, the consumer was instructed to clean his room because the room was observed to have a large number of clothing, garbage and magazines. When the room cleaning was completed, seven large garbage bags were removed that contained magazines and items that the consumer called “belonging” as well as three boxes and two large garbage bags full of garbage. A few days after the room was cleaned, a staff member documented that the consumer complained that his “artwork was thrown into plastic bags with bottles of liquid that opened and ruined some of my artwork.”

At the site visit, it was stated that a safety concern is the main issue for allowing or restricting certain items. The consumer was restricted from having certain art supplies because the items were deemed a safety concern. As an example, the drawing board was restricted because it contained metal and it could have been used as a weapon. The consumer had also been restricted from having some work-out gloves; this restriction was successfully appealed. The Case Manager stated that he does store some art supplies (markers type pens) in his office for the consumer.

Regarding the room search, the consumer was characterized during the site visit as a “hoarder”. The consumer had been spoken to several times about having too much stuff in his room, including candy wrappers and other materials that created a hygiene problem. On a number of previous occasions he was asked to clean up the room and he was given a deadline to do so. He did not meet those deadlines; it was also noted that the consumer was also very good about hiding items kept in his room. On the occasion in question, he was given a short deadline of about five hours to clean his room. After the five hours, the room had not been cleaned; staff members followed-up by cleaning the room themselves. It was stated that the consumer was present the entire time. The consumer was able to provide the disposition of the items (throw-away, store) that were his. It was stated that search revealed magazines that had been subscribed to other consumers and other items that belonged to the unit (newspapers); these items were removed without the consumer’s input. The consumer had many items (such as gum wrappers) that he stated he would be using for future art projects. It was also indicated during the site visit that a storage room in the building’s basement was half-filled with the consumer’s belongings.

Regarding damaged items, it was stated that when an item is damaged, the consumer is reimbursed for the cost of the item. In this case, the consumer was saying that everything was his art, thus it was hard for the Case Manager to determine any type of reimbursement. As an example, the Case Worker had documented that the consumer said that the reason he had so much paper and magazines was because he (the consumer) likes to work on a lot of projects and he gets his inspiration from magazines. The staff member that participated in cleaning the room stated that it would be hard to determine what “art” was damaged, since the consumer labeled everything as art.

The HRA went to the off-unit area where the consumer’s items were stored. While looking at some of his stored items for any possible damage from a liquid product, the Security Officer advised that liquid items would not be stored in that area, since the area only contains excess clothes, shoes, etc. No damaged items were observed, but all stored items were not inspected.

The Center's Rights to Personal Property policy states that its purpose is that “patients in the Program be permitted to receive, possess and use personal property except where specific restrictions are necessary as determined by the Program’s rules and regulations”. The policy goes on to state that “Excess personal properties means the amount of property a patient has which cannot be stored in the individual’s storage space provided for each patient in their dormitory. When it is determined that excess personal property of a patient must be stored outside of the unit, the following steps must be taken to assure the safe keeping of the items to be stored. a) all items must be accurately inventoried on the appropriate or designated Inventory Form. b) the inventory form must be signed by the patient and the staff member completing the inventory. c) a copy of the inventory must be given to the patient and the original placed in the patients clinical file. d) staff

must assure that the items are properly packaged in an adequate container (boxes, bags, etc.) e) each package must be taken to the Security Office where it will be checked to ensure proper labeling.

The Restriction of Rights policy states (in part) that "the patient shall be informed that the right is being restricted and the reason for the restriction shall be explained. When restricting a right of a patient, a Notice Regarding Restriction of Recipient Rights must be completed. The staff member who is executing the Notice shall document that notice has been given to the patient, and if the patient is under guardianship, his or his guardian and another person or agency as designated by the patient. And the reason for the restriction in a Progress Note in the patient's clinical record".

The Center has an On-Unit Search for Contraband policy which states that the purpose of the search is to locate and confiscate illegal and contraband items.

Conclusion

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Sec. 2-104, "Every recipient who resides in a mental health or developmental disabilities facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except in the circumstances and under the conditions provided in this Section. (a) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission. (b) The professional responsible for overseeing the implementation of a recipient's services plan may, with the approval of the facility director, restrict the right to property when necessary to protect such recipient or others from harm."

The consumer had been restricted from a drawing board; the board could be used with supervision. It is concluded that rights were not violated.

Since staff members were not in search of contraband, it is concluded the consumer was not subject to a "room search", he was simply to clean the room of the overabundance of personal items. Nevertheless, staff members assisted in the clean-up and during the clean-up it was alleged that some items were damaged.

The HRA acknowledges that it might be difficult for staff to place a monetary value on what the consumer ascertained as "artwork"; however, some acknowledgement of the loss would have been proper.

The HRA takes this opportunity to suggest when someone is a known hoarder that measures are taken on a regular basis via the treatment planning process and with consumer input to ensure that items cannot be accumulated.

RESPONSE

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



Bruce Rauner, Governor

Illinois Department of Human Services

James T. Dimas, Secretary-designate

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

November 17, 2015

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

Re: HRA #15-100-9013

Dear Ms. Getchell:

Thank you for your thorough review. We are pleased to learn the allegations were unsubstantiated.

In addition, we agree with the HRA's suggestion of a problem area regarding excess property in a patient's room be placed on the patient's treatment plan with an intervention for ongoing monitoring.

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

Sincerely,

Meredith Kiss, MA
Acting Hospital Administrator

MK/JP/aw