



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #15-100-9022

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 White. A complaint was received that alleged that there are not enough telephones on this unit to accommodate all the consumers; consumers cannot combine the assigned 15-minute period into one phone call, and the consumers are not allowed private telephone calls.

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 unit's Nurse Manager. The HRA reviewed Center policies specific to the allegation.

Findings

The complaint explained that there are 22 women sharing fifteen-minute phone times (slots) from 6:30 a.m. through 10:00 p.m. Out of the 62 slots, at least 10 slots are questionable due to meals, medication times, being locked out of the dayroom, groups, etc. It was stated that in an effort to provide three 15-minute slots for each female, the unit needs to provide additional telephones. And, it was stated that 15 minutes does not allow for meaningful conversations, thus consumers should be allowed to combine two or three 15-minute periods into one long phone call. Lastly it was stated that consumers are not allowed private telephone calls.

During the site visit, the Nurse Manager stated that the unit is divided between male and female sides and that each side has its own dayroom. At the time of the visit (September 2015) the Nurse Manager stated that the unit housed 21 female and 10 male consumers. Each dayroom contains a telephone for consumer use. All calls within the state can be made free of charge.

Consumers are required to sign up for each fifteen-minute phone time at the beginning of each day. Consumers can sign-up for three 15-minute periods (from 6:30 a.m.-10:00 p.m.) each day. Consumers are not to group the periods together to make a longer phone time. The HRA was shown a completed female consumer phone schedule for one day. There were sixteen consumers signed up for various slots; each consumer with the exception of one had signed up for three periods.

The Nurse Manager explained that the unit has a "lawyer" phone that is located in a conference room. This phone is available twenty-four hours a day/seven days a week and can be used to call the attorney, the Office of Inspector General or the HRA. The door to the conference room is closed and the staff member must remain outside the room.

The Center's Patient Phone Use policy states (in part) that "each patient treatment unit shall have a public telephone for patient use located on or near the unit. All patients shall be provided access between 6:30 a.m. and 10:00 p.m. to the public telephone, during their free time, for the purpose of placing and receiving personal calls [exceptions are noted in the policy]." The policy goes on to state that any individual restriction of the public telephones shall be in compliance with the Mental Health and Developmental Disabilities Code, and shall be documented in the patient's clinical record, as well as on the Notice Regarding Restriction of Rights of Recipient.

The FTP's Phone Procedures policy states that "patients shall be allowed to place calls to attorney with minimal reasonable limitations to the number, length, and time of calls. Patients have 2 options when making calls: a) they may use the free phones located in the unit dayrooms during approved items or; b) they may use the designated attorney phones (located in the conference room) with assistance from staff (available 24 hours a day/7 days a week.) Those patients wishing to use on-unit attorney phones to contact their attorneys, will comply with the following protocol: a) the patient will notify staff (caseworker, charge nurse) that they wish to use the attorney phone to place a phone call to their attorney; b) staff work to schedule a time for the phone call in a timely manner - no later than the end of the shift during which the request is made..."

Conclusion

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 5/2-103, "Except as provided in this Section, a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private, and uncensored communication with persons of his choice by mail, telephone and visitation. (a) The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for visits is available. Writing materials, postage and telephone usage funds shall be provided in reasonable amounts to recipients who reside in Department facilities and who are unable to procure such items. (b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director. (c) Unimpeded, private and uncensored communication by mail, telephone, and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission. When communications are restricted, the facility shall advise the recipient that he has the right to require the facility to notify the affected parties of the restriction, and to notify such affected party when the restrictions are no longer in effect. However, all letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, Guardianship and Advocacy Commission, or the Agency designated pursuant to 'An Act in relation to the protection and advocacy of the rights of persons with developmental disabilities, and amending Acts therein named', approved September 20, 1985, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility

authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities.”

The HRA concluded that the Center is providing private communication by the means of the attorney phone; the allegation is unsubstantiated. The HRA also concluded that the Center is providing reasonable accessibility to telephones by providing up to three 15-minute calls per day; the allegation is unsubstantiated. The HRA concluded that not allowing consumers to combine 15-minute periods into one telephone call is not a rights violation.

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*

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 2, 2015

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

Re: HRA #15-100-9022

Dear Ms. Getchell:

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

The facility recognizes and understands the importance of our patients' ability to communicate with family and attorneys.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith Kiss'.

Meredith Kiss, MA
Acting Hospital Administrator

MK/JP/aw