



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY- CHICAGO REGION

REPORT 16-030-9019
Kindred North Hospital

Case Summary: The HRA substantiated the two complaints that shaving is not allowed on the unit and that recipients are not allowed to wear their own clothing; no other complaints were substantiated. The provider response was accepted by the HRA but not published online.

INTRODUCTION

The Human Rights Authority of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of possible rights violations at Kindred North Hospital. The following complaints were under investigation:

1. There are no sinks in the men's washrooms.
2. Shaving is not allowed on the Unit.
3. Sinks in rooms have very little water pressure.
4. There was no wheelchair in which to transport the recipient to and from his brain scan.
5. No one is allowed to wear their own clothing and there are no laundry facilities.

If substantiated, this would violate the Mental Health and Developmental Disabilities Code (405 ILCS 5/100 et seq.) and the Illinois Administrative Code for Hospitals (Title 77 Ill. Admin. Code Part 250).

Kindred North is a 164-bed transitional care hospital that provides intensive long-term acute care to medically complex patients. Kindred serves as a bridge for patients who are medically complex and require acute care, but are unable to recover completely in the traditional short-term acute care hospital setting. The hospital incorporates a 30- bed Behavioral Health Unit.

To review these complaints, the HRA conducted an unscheduled drop-in site visit and interviewed the Director of Behavioral Health, who toured the unit and allowed the HRA to take pictures for the record.

COMPLAINT SUMMARY

The complaints, as stated above, involve the conditions of the Behavioral Health Unit. These complaints include no sinks in the men's bathroom, no shaving on the unit, very little

water pressure in the sinks in the patients' rooms, no wheelchair in which to transport a patient to have an x-ray completed, and patients not being able to wear their own clothing on the unit.

FINDINGS

The HRA made an unscheduled drop-in visit to the Behavioral Health Unit on 6/09/16. At this time the Director of Behavioral Health accompanied the HRA Coordinator on a tour of the unit and photos were taken of the areas under question for presentation to the HRA members.

1. There are no sinks in the men's washrooms. On this unit there are no bathrooms in the individual rooms of patients. The unit has a community bathroom for men and one for women and each patient's room also has a sink but no toilet. The community bathroom for men has two sinks as well as a shower area. The Director indicated that perhaps two weeks ago the automated water in the sinks was adjusted and for a short period of time that day the pressure might have been weaker, however batteries in the faucet mechanisms were replaced and the water pressure seemed normal.

2. Shaving is not allowed on the unit. The Director indicated that until approximately one month ago shaving was allowed on the unit. At that time, however, a patient broke apart the plastic razor that are issued on the unit, and attempted to cut herself. The staff then decided that shaving with razors would be suspended. The Director indicated that they are exploring other possibilities such as electric shavers, however there are difficulties with each solution. He recognized that shaving is an issue and they hope to address it, however for the time being, patients are only allowed to shave right before they are discharged. The HRA Coordinator asked what the average length of stay was for patients on the unit and he said 8-10 days.

3. Sinks in rooms have very little water pressure. The HRA Coordinator observed the Director turning on the water in the patients' rooms and it appeared more than adequate.

4. There was no wheelchair on the unit in which to transport the recipient to and from his brain scan x-ray. The Director indicated that there is always a wheelchair on the unit and in the event that it was being used there are wheelchairs throughout the hospital that could be utilized.

5. No patients are allowed to wear their own clothing and there are no laundry facilities on the unit. The Director indicated that when patients are admitted, their clothing is washed by staff and placed in lockers for them. While on the unit, patients wear hospital "scrubs". The unit has a laundry room with washers and dryers for patient use.

STATUTES

The Mental Health Code guarantees all recipients adequate and humane care in the least restrictive environment: "A recipient of services shall be provided with adequate and humane 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..." (405 ILCS 5/2-102 (a)). The Mental Health Code also states that, "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 space therefore, except in circumstances and under the conditions provided in this Section" (5/2-104) which allow for restrictions by the facility Director when necessary to protect the recipient or others from harm, provided that notice of this restriction is given to recipients upon admission.

The Illinois Administrative Code states that the Mental Health and Developmental Disabilities Code shall apply to the care of patients on hospital psychiatric units and that "The design of facilities and the selection of equipment and furnishings shall be conducive to the psychiatric program being carried out and shall minimize hazards to psychiatric patients" (Ill. Admin. Code Title 77 Part 250 Section 250.2280 Care of Patients). Section 250.1910 Maintenance also states, "The hospital structure and its component parts and facilities shall be kept in good repair and maintained with consideration for the safety and comfort of the occupants of the building. Mechanical and electrical equipment shall be maintained in good repair and operating condition at all times." Section 250.1930 Water Supply states, "Hot water shall be available at sinks and lavatories at all times. Water shall be adequate in volume and pressure for all medical purposes."

HOSPITAL POLICY

Kindred North Hospital adheres to all the mandated policy and procedure required by their licensure with the Department of Public Health and Hospital Licensing Act.

CONCLUSION

The complaint in this case involved the conditions of the Behavioral Health unit, particularly the availability of water in the men's restrooms, the ability to shave, and the availability of wheelchairs as well as laundry services. After an unscheduled drop-in visit to the unit and a tour and inspection of the unit by the HRA Coordinator (as well as photos of the unit), the HRA does not substantiate the complaints that there are no sinks in the men's restrooms, that the sinks in the individual rooms have very little water pressure, that there was no wheelchair on the unit to transport the recipient to an x-ray exam, and that there are no laundry facilities. The current policy of no shaving is in response to a suicide attempt and is a temporary situation until the unit can find a safe alternative, which the facility does not offer a timeline in which to accomplish. The HRA reminds the hospital that the actions of one patient should not restrict the liberties of all patients since treatment is individual, and it may be better to make individual determinations on who may or may not shave. The same holds true for clothing. The facility could make individual determinations regarding who may or may not wear their own clothing based on the recipient's level of functioning. The HRA substantiates the complaints that shaving is not allowed on the unit and that recipients are not allowed to wear their own clothing.

RECOMMENDATIONS

1. The Mental Health Code stipulates that treatment is to be individualized and although the HRA appreciates the facility's efforts to provide a safe environment, the facility should make individualized determinations as to the use of razors.

2. The Mental Health Code allows recipients to possess and use their own property and the HRA recommends that hospital policy be revised to allow personal clothing while receiving treatment on the Behavioral Health Unit. Again, individualized determinations should be made in terms of each recipient's appropriateness for their own property.