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**FOR IMMEDIATE RELEASE**

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North Suburban Regional Human Rights Authority  
Report of Findings  
HRA #17-100-9035  
Elgin Mental Health Center

**Introduction**

In June 2017, the North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (hereafter referred to as the Center), Forensic Treatment Program after receiving a complaint of alleged rights violations. The complaint accepted for investigation was that a patient has been told he can receive visits from persons under the age of 18 only if that person is the child or grandchild of the patient- excluding all other family and friends that may be under that age.

The rights of patients receiving services at the Center are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5).

Patients 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 approximately 344 beds.

**Methodology**

To pursue this investigation, the HRA requested any Restriction of Rights Notices, Treatment Plans and/or progress note documentation pertaining to the allegation with the patient's written consent. A site visit was conducted at which time the allegation was discussed with hospital personnel.

**Findings**

The complaint alleged that a patient has tried to put his brother's children on the visitation list, but staff members have repeatedly denied this request.

The clinical record revealed data on a male patient found Unfit to Stand Trial on the charge of Predatory Sexual Assault; he was remanded to the Department of Human Services for treatment and fitness restoration. He arrived at Elgin Mental Health Center in April 2013 as a transfer from another state operated facility. At the time of admission, it was noted that he had no family contact. It was documented that within a week, he had reconnected with this mother and brother and he maintained contact with them via telephone. It was noted that the patient's brother visits about twice a month. The HRA reviewed Psychiatric Nursing Re-Assessment Summaries and Interdisciplinary Staffing documents from approximately January through July 2017. There is

nothing in the clinical documents reviewed to show that the patient had requested visits from minor family members. Thus, no Restriction of Rights Notices was initiated.

At the site visit, the HRA met with the patient's Social Worker. She offered that the patient has been in custody for 14 years and was placed at EMHC from a maximum security facility. The Social Worker confirmed that the patient has asked to be allowed to have his brother's children visit, but the request is automatically denied due to the nature of his crime. It was stated that the Center's policy on visits from minors applies to all patients. She stated that visits from minors can only be from those directly related to the patient – children and grandchildren. However, it was stated that patients convicted as a Sexually Violent Person are automatically restricted from all minor visitations.

The HRA then requested the above mentioned policy from program Administration. The policy was received with an explanation which quantified that the Center's policy defines a minor as a person under the age of 16. On the Minor Visitation request form, a minor is defined as children, grandchildren or any minor sibling. It was noted that after the Administrative Director of Nursing and the Security Chief reviewed the policy and Minor Visitation request form, minors such as nieces and nephews will be allowed to visit and the form will be edited to state the same.

The Forensic Treatment Program Visitation policy states that for the purposes of this policy, "a minor child is defined as under the age of sixteen years. Minor visitation in the FTP Building is allowed only on designated days/times. Nurse Managers shall provide information on the anticipated minor visitations for patients on their units, as well as any special accommodations that may be required for visitors and patients alike. The information shall also be used to determine if any additional staffing may be required in order to carry out the visitation in a safe and satisfactory manner. Each request form shall be submitted to the Program Director three working days prior to the expected visitation for approval. Minor visitations shall not occur without a completed authorized request."

### **Conclusion**

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 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. (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".

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 2-201, "(a) Whenever any rights of a recipient of services that are specified in this Chapter are restricted, the professional responsible for overseeing the implementation of the recipient's services plan shall be responsible for promptly giving notice of the restriction or use of restraint or seclusion and the reason therefor to (1) the recipient and, if such recipient is a minor or under guardianship, his parent or guardian; (2) a person designated under subsection (b) of Section 2-200 upon commencement of services or at any later time to receive such notice; (3) the facility director; (4) the Guardianship and Advocacy Commission, or the agency designated under "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, if either is so designated; and (5) the recipient's substitute decision maker, if any. The professional shall also be responsible for promptly recording such restriction or use of restraint or seclusion and the reason therefor in the recipient's record."

The HRA found nothing in Center policy which mandates that all patients convicted of Predatory Sexual Assault are automatically restricted from all minor visitations. According to the Social Worker, the patient's requests for minor visitation have been denied; a Restriction of Rights Notice must be completed for the visitation restriction.

### **Recommendation**

Center personnel must follow the stated policy regarding the request and approval of minor visitation. When visitation requests are denied, Restriction of Rights Notices must be completed.

**Suggestion**

For treatment purposes, a patient's requests for minor visitation should be documented.

**Comment**

The HRA recognizes the Center's need to include nieces and nephews in the minor request form. However, since a minor is defined as anyone under the age of 16, the distinction is not necessary.

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## **RESPONSE**

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

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Bruce Rauner, Governor • James T. Dimas, Secretary

**Division of Mental Health/Elgin Mental Health Center**

**RECOVERY IS OUR VISION**

Recovery is a Personal Journey of Hope, Growth, Choice, and Change

November 30, 2017

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

Re: HRA #17-100-9035

Dear Ms. Getchell:

Thank you for your thorough review. The staff at Elgin Mental Health Center strives to provide the best possible care and treatment for our patients. Per your report, the HRA has found this concern to be substantiated with recommendations.

We have reviewed our policies and procedures and agree that some clarification could be made. As a result of your review, we have made changes to our special visitation form to remove limitations on who can visit patients. We will also review the Restriction of Rights procedure with staff specifically in regards to this matter.

We hope this response is acceptable to you. Again we look forward to working with the HRA in resolving all patient concerns in a collaborative and timely manner. As per your request, we will review the individual needs of our patients and utilize the ROR process as needed to protect them and others from harm.

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

Sincerely,

Brian Dawson, B.S.  
Hospital Administrator

BD/CH/aw