

Egyptian Regional Human Rights Authority
Meeting Minutes
November 19, 2013

The regular meeting of the Human Rights Authority (HRA) was held at Shawnee Community College Room H2090, 8364 Shawnee College Road, Ullin, IL. Chairperson Clarence Russell called the meeting to order at 5:10 p.m. and read the confidentiality statement. A quorum was present.

Members Present: Mary McMahan, Jim Livesay, Paul Jones, Sue Barfield, Pam O'Connor and Clarence Russell

Members Absent: Judy Atherton, Al Farmer, Sharon Mumford

Staff Present: Kim Conway

Guests: Shelly Pierce and Tracy Edwards, Herrin Hospital

Minutes: Jim Livesay made a motion to approve the July 30, 2013 and September 24, 2013 meeting minutes. Sue Barfield seconded and it carried.

Communications: None.

Case Revision:

13-110-9027 Trafford Estates/Choate Mental Health and Developmental Center - Kim Conway advised the board that this case needed to be divided into two separate cases since the board determined during the course of investigation that there were legitimate reasons to investigate both facilities. Since one provider cannot be made aware of any findings against another provider before it is public record, the case needed to be divided into two. Pam O'Connor made a motion to separate this case into two separate cases, Mary McMahan seconded and it carried. 13-110-9027 will be Trafford Estates and the Choate portion of the case will be opened as new complaint number 14-110-9008.

Ratifications:

The following cases were opened either by emergency case opening protocol or opened by majority vote of the members present at the September 24, 2013 meeting and by telephone votes from Paul Jones, Sue Barfield, Sharon Mumford, Mary McMahan and Pam O'Connor. Paul Jones abstained from voting on Chester Mental Health cases due to a conflict of interest.

13-110-9037 Chester Mental Health - Alleges that a recipient's treatment plan review (TPR) is not consistent with his progress and the reports being made to the court are not accurately reflecting his progress. The second allegation is that a recipient is being denied access to his records and the final allegation is that mail sent to recipient's mother is not being received.

13-110-9038 Choate Mental Health and Developmental Center - Alleges that a person with a developmental disability was admitted to the mental health side but is not receiving appropriate

treatment and habilitation services as required by the Mental Health Code for persons with developmental disabilities in a mental health facility.

13-110-9039 Chester Mental Health - Alleges that due to a lack of staff supervision, a recipient was attacked by a peer after prior threats had been made by that peer. The recipient reported the threats to the unit manager, his therapist and the other peer's therapist. He was moved farther away, but on the same unit. The peer ended up attacking this recipient after several threats to do so and caused serious damage to the recipient's eye.

13-110-9040 Chester Mental Health - Alleges that a recipient was cornered in the quiet room by staff, he "swung at staff" and then staff choked and handcuffed him. An Office of Inspector General (OIG) report was filed and 2 investigators came to speak with the recipient. He was told they would look into it, but the recipient has not heard anything more. The second allegation is that staff are "messaging with the recipient's medications."

13-110-9041 Chester Mental Health - Alleges that a recipient is not being treated in the least restrictive environment. The legal charges have been dropped and the recipient feels he should be moved to less restrictive environment to receive treatment.

14-110-9001 Chester Mental Health - The first allegation is that there is no active treatment available at the facility relating to AA or other 12 step drug/alcohol programs or if there are, the recipient has not been allowed to join the groups after a request was made to do so. The second allegation is that there are negative staff interactions with recipients. Another allegation is inadequate OIG investigative process. The final allegation is that the recipient is not receiving adequate medical care.

14-110-9002 Chester Mental Health - Alleges that a recipient's emergency treatment protocol is not being followed. Another allegation is that a recipient is being denied access to personal items.

14-110-9005 H Group - Alleges that the guardian was not notified of policy changes. The second allegation is that a recipient was inappropriately restrained and a restriction of rights form was not completed.

Pam O'Connor made a motion to ratify the following emergency case openings and the openings voted on at the September 24, 2013 meeting: 13-110-9037, 13-110-9038, 13-110-9039, 13-110-9040, 13-110-9041, 14-110-9001, 14-110-9002, and 14-110-9005. Mary McMahan seconded and it carried. Paul Jones abstained from voting on cases #13-110-9037, 13-110-9039; 13-110-9040, 13-110-9041, 14-110-9001, and 14-110-9002.

The following draft report was approved at the September 24, 2013 meeting by majority vote of the members present and telephone votes from Sue Barfield, Sharon Mumford, Mary McMahan and Pam O'Connor. Paul Jones abstained from voting due to a conflict of interest.

13-110-9008 Chester Mental Health - Pam O'Connor made a motion to ratify the draft report as approved as stated, Sue Barfield seconded and it carried. Paul Jones abstained.

The following are closures approved at the September 24, 2013 meeting by majority vote of the members present and telephone votes from Sue Barfield, Sharon Mumford, Mary McMahan, Pam O'Connor and Paul Jones.

12-110-9035 Choate Mental Health and Developmental Center - The board voted to close this case with copy of the report being sent to DHS for informational purposes due to ongoing concerns about people being sent to jail when other alternatives such as state operated facility placement are unavailable.

13-110-9004 Choate Mental Health and Developmental Center - This case was closed with the report being made public record.

13-110-9024 Herrin Hospital- The board voted to table case closure at September's meeting in order to allow time for the hospital to respond to the recommendations.

Jim Livesay made a motion to ratify the above case closures on Cases #12-110-9035, 13-110-9004 and 13-110-9024; Sue Barfield seconded and it carried.

The following are Chester Mental Health case closures from the September 24, 2013 meeting by majority vote of members present at that meeting and telephone votes from Sue Barfield, Sharon Mumford, Mary McMahan and Pam O'Connor. Paul Jones abstained from voting due to a conflict of interest.

12-110-9017 Chester Mental Health - This case was closed with the report being made public record and a copy of the report being sent to OIG for informational purposes due to ongoing concerns regarding the internal OIG investigative process.

13-110-9013 Chester Mental Health - This case was closed with the report being made public record. No response was received, none required.

13-110-9014 Chester Mental Health - This case was closed with the report being made public record. No response was received, none required.

13-110-9015 Chester Mental Health - The facility's response to recommendations was accepted and this case was closed with the report being made public record.

13-110-9016 Chester Mental Health - This case was closed with the report being made public record. No response was received, none required.

13-110-9017 Chester Mental Health - The facility's response was accepted and this case was closed with the report being made public record.

13-110-9018 and 13-110-9019 Chester Mental Health - These cases were combined into one report since they both involved the same recipient. The cases were closed with the report being made public record. No response was received, none required.

Mary McMahan made the motion to ratify the above closures on Cases #12-110-9017, 13-110-9013, 13-110-9014, 13-110-9015, 13-110-9016, 13-110-9017, 13-110-9018, and 13-110-9019; Jim Livesay seconded the motion and the motion carried with Paul Jones abstaining.

New Complaints:

14-110-9003 State Operated Mental Health Facility - Alleges that a recipient's property has been inappropriately restricted. The HRA did not have a signed release. A letter was sent on 9/11/13 another attempt to contact the recipient was attempted on 10/30/13. The Human Rights Committee Chairperson at the facility was asked to follow up and on 11/7/13 the recipient advised the Chairperson that he did not want to pursue a case as he now had access to his belongings. Jim Livesay made a motion to close the case Pam O'Connor seconded and it carried.

14-110-9004 Community Case Coordination Service - The HRA discussed that this complaint originally came in against the individual's guardian alleging that she had moved the individual against her will to another CILA home for no apparent reason except convenience for the guardian. However, upon further review it was discovered that it was a private guardian and HRA cannot investigate private guardians or family members. The case would have to be brought against the case coordination service. The board members felt like the case coordination agency did everything within their power to help this individual. Equip for Equality had also been contacted regarding this case. Kim Conway spoke with an attorney there who advised that they are doing a well check on this individual to see how she adjusted to her new CILA placement but they felt the Court would not question a guardian's placement decision so they declined to accept the case. Equip for Equality also notified the PAS agent to contact them if any other questionable choices arise in the future. Jim Livesay made a motion to close the case as not accepted, Sue Barfield seconded and it carried.

14-110-9006 State Operated Mental Health Facility - Alleges the recipient is not being served in the least restrictive environment. He has been at the facility for 30 years and is told by staff in the treatment meetings that they are waiting on a bed at another facility. Mary McMahan made a motion to accept the case, Pam O'Connor seconded and it carried.

14-110-9007 State Operated Mental Health Facility - Alleges the recipient is not being served in the least restrictive environment. The recipient has been found unfit to stand trial but does not exhibit aggressive behavior. Mary McMahan made a motion to accept the case, Sue Barfield seconded and it carried.

14-110-9008 Choate Mental Health and Developmental Center - This was opened as the other half of 13-110-9027 in order to separate the two facilities as discussed during the ratifications. Sue Barfield made a motion to open the Choate portion under the new number, Paul Jones seconded and it carried.

Other New Business: None.

Unfinished Business: A motion was made by Jim Livesay to enter closed session at 5:50 p.m. to accommodate guests present. Paul Jones seconded and it carried. Tracy Edwards and Shelly Pierce were brought into closed session to discuss confidential information regarding Herrin Hospital's response to the HRA recommendations on case 13-110-9024. This discussion ended at 6:20 p.m. and Herrin Hospital guests left the meeting. The following summary of items was discussed in closed session: Case progress was reviewed for cases # 13-110-9029, 13-110-9030, 13-110-9034, 13-110-9035, 13-110-9038 and 14-110-9005. Draft reports were reviewed for cases #13-110-9010, 13-110-9027 and 14-110-9008. Case closure was considered for case #13-110-9024. Pam O'Connor made a motion to return to open session at 7:12 p.m. having taken no action in closed session, Sue Barfield seconded and it carried.

Case Progress Reports:

13-110-9029 - Choate Mental Health and Developmental Center - Completed the site visit with the house manager of the CILA home and the recipient. The records requested were received 11/19/13. After reviewing the records, the case will be ready for report.

13-110-9030 - Choate Mental Health and Developmental Center - Records requested have been received. After reviewing the records, the case should be ready for report.

13-110-9034 - Massac County School District - Completed the site investigation and chart review at Massac Unit one office; Met with Superintendent, Special Ed Director, the student's mother and the high school principal. The HRA still needs to meet with the Jr. High Principal, The case is still under investigation.

13-110-9035 - Healthcare and Family Services - Completed the site investigation at the CILA home and reviewed the chart; Met with the house manager psychiatrist. The HRA recently obtained the pharmacist contact information, Kim needs to contact her and try to get a name of someone at HFS to talk to that pharmacy dealt with. Still under investigation.

13-110-9038 Choate Mental Health and Developmental Center Choate MHDDC - Received all Choate records from the facility where the recipient has been transferred to. The records need to be reviewed and then the case should be ready for a report.

14-110-9005 H Group - The H Group has been notified of the case and we have a signed release. Correspondence obtained from the complainant was shared with the board members. HRA will schedule a site visit in early December.

Report of Findings:

13-110-9010 - Choate Mental Health and Developmental Center - Pam O'Connor made a motion to approve the draft report as stated and send it to the provider. Jim Livesay seconded and it carried.

13-110-9027 - Trafford Estates - Mary McMahan made a motion to approve the draft report as revised, separating Trafford Estates' allegations from Choate Mental Health and Developmental Center's allegations, and send it to the provider. Pam O'Connor seconded and it carried.

14-110-9008 - Choate Mental Health and Developmental Center - Mary McMahan abstained from voting on this case due to a conflict of interest. Pam O'Connor made a motion to approve the draft report as revised, separating Choate Mental Health and Developmental Center's allegations from Trafford Estates' allegations, and send it to the provider. Jim Livesay seconded and it carried.

Case Closures:

13-110-9024 Herrin Hospital - Mary McMahan made a motion to accept the hospital's response to the HRA recommendations and close the case making the report a part of the public record. Sue Barfield seconded and it carried.

Other Unfinished Business: The HRA meeting schedule for 2014 was decided upon. Paul Jones then left the meeting due to a conflict of interest on the remaining cases on the agenda.

A motion was made by Pam O'Connor to re-enter closed session at 7:36 p.m. to discuss confidential information regarding case progress, draft reports and case closures involving Chester Mental Health Center. Jim Livesay seconded and it carried. The HRA returned to open session at 8:05 p.m. having taken no action in closed session. The following summary of items was discussed in closed session: Case progress was reviewed for Cases #13-110-9021, 13-110-9026, 13-110-9028, 13-110-9031, 13-110-9032, 13-110-9033, 13-110-9036, 13-110-9037, 13-110-9039, 13-110-9040, 13-110-9041, 14-110-9001, 14-110-9002. Draft reports were reviewed for Cases #13-110-9020 and 13-110-9025. Case closures were considered for Cases #13-110-9008.

Case Progress Reports:

13-110-9021 - Chester Mental Health - Ready for report.

13-110-9026 - Chester Mental Health - Ready for report.

13-110-9028 - Chester Mental Health - The recipient was transferred to another facility. Chester records have been requested from that facility. The case is still under investigation.

13-110-9031 - Chester Mental Health - The chart review has been completed. The HRA may need to speak with others on this same unit to complete the investigation. The case is still under investigation.

13-110-9032 - Chester Mental Health - Ready for report.

13-110-9033 - Chester Mental Health - Ready for report.

13-110-9036 - Chester Mental Health - The recipient has been transferred to another facility. The HRA obtained some records from his chart before the transfer but if more information is needed it will have to be obtained from the new facility. The case is still under investigation.

13-110-9037 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

13-110-9039 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

13-110-9040 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

13-110-9041 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

14-110-9001 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

14-110-9002 - Chester Mental Health - The chart has been reviewed and the HRA has received the copies requested. The case is still under investigation.

Reports of Findings:

13-110-9020 - Chester Mental Health - Mary McMahan made a motion to approve the draft report as stated and send it to the provider. Jim Livesay seconded and it carried.

13-110-9025 - Chester Mental Health - Jim Livesay made a motion to approve the draft report as stated and send it to the provider. Mary McMahan seconded and it carried.

Case Closures

13-110-9008 Chester Mental Health - Mary McMahan made a motion to table case closure to allow the facility more time to respond to the HRA recommendations. Jim Livesay seconded and it carried.

Other Unfinished Business:

The next meeting is scheduled for 5:00 p.m. on January 28, 2013 at Union County Counseling in Anna, IL.

Mary McMahan made a motion to adjourn at 8:10 p.m. Jim Livesay seconded and it carried.

Respectfully Submitted,
Pam O'Connor, Secretary