

# **Metro East Human Rights Authority**

## **Report of Findings**

### **HRA Case # 18-070-9010**

### **Chestnut Health Systems**

The Metro East Regional Human Rights Authority (HRA) has completed its investigation of a complaint at Chestnut Health Systems (CHS), a multi-service Behavioral Health and Primary Health Care Provider with locations in Bloomington and Granite City. CHS is a private, not-for-profit charitable organization, and is licensed under the Illinois Department of Human Services, Mental Health (DHS MH) Division. CHS provides four core services; chemical dependency treatment and prevention, mental health treatment and housing for persons with mental illness, applied behavioral research, training and publications, and primary care treatment and preventative services. Supportive housing provided by CHS includes apartment buildings either owned, or rented by, CHS. The goal of the housing program is to ensure that persons with a mental illness or co-occurring disorders are offered safe and affordable housing and the skill acquisition and assistance necessary to enable them to remain in permanent housing. Residents are provided with assistance in meeting basic needs and improving independent living skills to increase their level of daily social and/or vocational functioning.

The specific housing unit being investigated is an apartment building located in Pontoon Beach, Illinois, under the jurisdiction of the Granite City CHS. The building consists of two upstairs apartment units and two downstairs units. Each apartment unit has two bedrooms and houses two residents. The Pontoon location has three buildings and a total of twenty residents. There is 24 hours, 7 days per week (24/7) staffing on-site, as well as weekly maintenance staff.

The allegation being investigated is: **The facility violates consumers' rights when it fails to provide adequate and humane care.**

If found substantiated, the allegation represents violations of the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102), the Illinois Administrative Code (59 Ill. Adm. Code 132.30), and CHS facility policies.

### **Methodology**

To pursue the investigation, the HRA conducted a site visit and interviewed the CHS Compliance Officer, the CHS Safety Coordinator, and the CHS Facilities Manager. Additionally, facility policy was reviewed.

### **Findings**

The complaint states that bed bugs are present in a Chestnut housing unit and that the problem has been ongoing for a long period of time.

According to the interview conducted by the HRA, the bed bugs were first reported by CHS staff in October of 2017 to the Office of Inspector General (OIG). Staff also stated in the interview that no formal complaint was made by a resident to CHS in accordance with the facility's complaint/grievance process. In response to the report of bugs, a professional heat treatment was enacted. A heat treatment, also known as thermal remediation, is a solution for controlling bed bugs in which specialized mobile heating units are used in the infested areas to kill all stages of bed bug development. This treatment proved unable to eliminate the bed bugs, and another heat treatment was utilized in December of 2017. Service tickets provided by Madison County Termite and Pest Control and Unique Pest Control confirmed the dates and types of each of these treatments. According to the interview, 2 more treatments were issued that year, in June of 2018, and again in December of 2018. These 2 latter treatments were professional spray treatments. At the time of the interview, the current status of this particular apartment complex was that the building was free of the bed bugs.

However, it was reported to the HRA in the interview that in October of 2018, CHS staff again reported to the OIG the presence of bed bugs in another apartment building. The same process is being implemented to eradicate bed bugs at this building, but the process is proving to be more difficult.

According to CHS staff interviewed by the HRA, CHS follows Housing and Urban Development (HUD) standards. Any CHS-owned apartment buildings were built with HUD funding; however HUD does not currently fund the homes. Regardless of whether a CHS apartment building is owned or rented by CHS, all buildings do follow the same HUD regulations. Housing Quality Standard inspections are performed annually. Maintenance staff inspect all units on a weekly basis. There is 1 full time maintenance staff member to fix anything that must be repaired, and 1 utility worker who cleans the apartment units. Additionally, site personnel call in weekly to specifically address the bed bug issue. All staff members are required to wear Tyvek suits during the presence of bed bugs.

The HRA investigated training procedures for all CHS staff at the supportive housing units. Training for all new staff is extensive and lasts over the course of 1 day; staff are trained on privacy, safety, trauma informed care, customer service care, assessment and treatment planning, OIG, and competency. In terms of resident education, staff are required to provide residents with instruction on how to properly visit other apartment units. CHS reported that there is 24/7 staffing on site at each housing unit. During the hours of 7am and 11pm there are 2 staff members on duty. From 11pm to 7am there is 1 staff member on duty.

Additionally, the HRA reviewed the CHS Safety Manual. The Pest Control section of the manual reads that "Chestnut contracts with a professional pest control company for ongoing, routinely scheduled pest control maintenance services for all sites and more frequently when a pest control issue is identified". According to the Bed Bugs section of the CHS Safety Manual, CHS should maintain "preventative and reactive procedures relating to bed bugs for outpatient, community based, housing, and residential services". The Bed Bugs section of the manual goes over policy and procedure for outpatient patients being seen in a Chestnut facility, when seeing patients in the community, for residential patients, for housing patients, prevention, and treatment. Under the

Prevention header, the manual states that “Facilities staff will inspect apartments owned by Chestnut for bed bugs and document findings on their monthly apartment inspection form”. Under the If Bedbugs Are Reported header, the manual reads that “Facilities staff will contact a professional pest management service on the same or next business day. A professional inspection of the infested area will be scheduled at the first available time.” If bed bugs are confirmed, “housing staff will help patients clean and prepare for recommended treatment as prescribed by the contractor.” During treatment, “Housing staff will assist client in completing all of their laundry...[and] all staff should work together to treat items that can be placed in the hot box.”

The CHS Safety Manual states that apartments will be inspected by staff on a monthly basis for preventative measures, and on a weekly basis (post-treatment) if bugs are detected. CHS provided the HRA with minutes regarding weekly meetings on pest control monitoring at the Oakmont apartment building in Pontoon Beach. The minutes covered the weekly inspections beginning after the December 2018 treatment. On December 11<sup>th</sup>, it was noted that a checklist must be created to give to clients regarding cleaning their apartments. On January 22, 2019, the minutes stated that an individual from Unique Pest Control would be coming to the Oakmont location to professionally inspect all apartments and the office. Minutes stated that there were no instances or observations of bed bugs on February 5<sup>th</sup>, February 12<sup>th</sup>, or on March 5<sup>th</sup>. Dates were discussed for upcoming monthly inspections at housing sites. Over the months of March, April, and May, staff consistently reported no instances of bed bugs.

However, minutes for June 4<sup>th</sup> read that bed bugs were reported in a specific apartment unit. On June 11<sup>th</sup>, it was reported that a pest control company would be present the following Wednesday to issue a spray treatment in the unit. It was also noted that staff would be helping the affected individual to clean all of his clothing. Additionally, it was noted that staff reported potential bed bugs in the office. The June 18<sup>th</sup> minutes stated that Unique Pest Control had issued a spray treatment in the affected apartment unit and the office. Furniture and various other items in the apartment unit were bagged and treated, but it was noted that there were still untreated clothes present. A plan was made to complete treatment of all of the individual’s belongings, as well as potential medication to lessen the individual’s anxiety, and how to approach the individual about the issue.

## **Mandates/ Regulations**

**According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102):**

§ 2-102. (a) A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan.

**According to the Mental Health and Developmental Disabilities Code (405 ILCS 5/1-101.2):**

§ 1-101.2. “Adequate and humane care and services” means services reasonably calculated to result in a significant improvement of the condition of a recipient of services confined in an inpatient mental health facility so that he or she may be released or services reasonably calculated

to prevent further decline in the clinical condition of a recipient of services so that he or she does not present an imminent danger to self or others

**According to the Illinois Administrative Code (59 Ill. Adm. Code 132.30):**

To assure that a client's rights are protected and that all services provided to clients comply with the law, all providers under this Part shall ensure that:

- a) A client's rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

**According to the Chestnut Health System Policy on Patient Rights:**

[The patient's] rights are protected in accordance with applicable federal and state laws, including...the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5)

[The patient has] the right to be treated in a humane and dignified manner. [The patient has] the right to be free from abuse and neglect while at Chestnut.

**According to HUD Regulations (24 CFR 982.404):**

- (a) Owner obligation

- (1) The owner must maintain the unit in accordance with HQS “[Housing Quality Standards]”

**According to HUD Regulations (24 CFR 982. 401):**

- (m) Sanitary condition—

- (1) Performance requirement. The dwelling unit and its equipment must be in sanitary condition.
- (2) Acceptability criteria. The dwelling unit and its equipment must be free of vermin and rodent infestation.

**Conclusion**

According to the complaint, CHS fails to provide its residents with adequate and humane care given that there are bed bugs present in a particular CHS housing unit, and that the issue has been ongoing for a long period of time. The HRA finds this allegation to be **unsubstantiated**. According to the CHS staff members interviewed by HRA board members, 4 treatments were issued in response to the infestation, and at the time of the investigation, the housing unit was completely free of bed bugs. Service tickets from the pest control companies, as well as CHS detailed trial balances, confirmed these treatments. CHS detailed trial balances additionally confirmed quarterly pest control being exercised in the facilities. As aforementioned, minutes from CHS weekly inspection meetings were also reviewed, and it was found that as of June 2019, bed bugs were again found in the apartment unit. However, the meeting minutes stated that CHS policy was being followed accordingly in order to treat the infestation. CHS policy on bed bugs reads that “Facilities staff will contact a professional pest management service on the same or next business day. A

professional inspection of the infested area will be scheduled at the first available time.” CHS weekly meeting minutes state that Unique Pest Control was contacted, and an appointment was made for the earliest available time. CHS policy on bed bugs also states that if bed bugs are confirmed, “housing staff will help patients clean and prepare for recommended treatment as prescribed by the contractor.” During treatment, “Housing staff will assist client in completing all of their laundry...[and] all staff should work together to treat items that can be placed in the hot box.” The CHS weekly meeting minutes detailed the steps that staff were taking to follow this procedure accordingly, including that laundry of the individual was bagged up, treated, and stored in sealed bags in the office. The individual’s prescriber was contacted to see if an antianxiety medication could be recommended at the time of the bed bug treatment. Minutes also stated that both housing and facility staff was working on treating affected furniture in a hotbox. Although the bed bug infestation presented itself again, there was no evidence that CHS was not following its policy in regard to the treatment of it.

### **Suggestions**

The HRA recognizes that Chestnut Health Systems is consistently and appropriately following facility policy when dealing with bed bug infestations. However, the infestation has been a recurring issue over the span of over 14 months. The HRA would like to issue suggestions in order to help ensure that CHS facilities do not encounter more bug infestations lasting for an excessively long period of time. A living environment that is unhygienic and infested with insects could potentially be detrimental to a resident’s comfort, emotional state, and progress. In accordance with the CHS Safety Manual aforementioned, CHS should maintain “preventative and reactive procedures relating to bed bugs for outpatient, community based, housing, and residential services.” CHS should continue to ensure “ongoing, routinely scheduled pest control maintenance services for all sites and more frequently when a pest control issue is identified.” The HRA offers the following **suggestions**:

- Chestnut Health Systems ensure that all residents of their housing support system be provided with adequate and humane care by maintaining, clean and hygienic residencies, a comfortable environment for residents, and appropriate treatments of insect infestations, resulting in efficient elimination of the issue
- Given the fact that two separate CHS housing units have been recently treated for bed bug infestation, the HRA suggests that CHS staff and residents receive additional training on measures relating to insect prevention and cleaning.
- In the case of future bed bug-related incidents, CHS should more carefully examine the effectiveness of the first treatment. If there is need for additional treatments, CHS should enact them as soon as possible to prevent an infestation lasting for an unreasonable amount of time.
- The HRA strongly suggests that in cases when bed bugs continue to reappear, CHS should more closely evaluate how they prep for treatments and how much help is given to the residents in doing so. Perhaps alternate treatments need to be considered so that the same infestation issue does not continue to reappear.