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North Suburban Human Rights Authority  
Report of Findings  
Chicago Behavioral Hospital  
HRA #18-100-9021

The North Suburban Regional Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission has completed its investigation of alleged rights violations at Chicago Behavioral Hospital. In May 2018, the HRA notified Chicago Behavioral Hospital of its intent to conduct an investigation, pursuant to the Guardianship and Advocacy Act (20 ILCS 3955). The complaint accepted for investigation alleged that a legal guardian is being denied access to the patient's clinical record.

If found substantiated, the allegation would violate the Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/4).

To pursue this investigation, the HRA requested a copy of the patient's record, with written consent; the chart was obtained in July 2018. After review of the chart, a site visit was conducted at which time the allegation was discussed with the hospital personnel.

**Background**

According to its web-site, Chicago Behavioral Hospital, located in Des Plaines, provides specialized mental health and substance abuse treatment. The 125-bed hospital serves children, adolescents, adults and senior adults in both inpatient and outpatient programs.

**Findings**

The clinical record revealed data on an adult male admitted involuntarily on March 7, 2018; he was discharged on April 11, 2018. The patient was admitted for psychosis and aggression. He was a resident at a long-term nursing facility and has been institutionalized for 25 years. He has a history of bipolar disorder and schizophrenia. The chart clearly and often notes that the patient's mother is his legal guardian, and that she was involved in his care. The Patient Staff and Interdisciplinary Treatment Plan notes her participation in the plan, as well as disposition conversations with hospital personnel. There is nothing in the chart regarding her request to review the clinical record.

At the site visit, it was stated that the guardian made no request to review the clinical record during the hospitalization. It was further offered that the patient was unable to return to his previous placement. The guardian was very resistant with placement. A Social Worker note, dated March 22, 2018, documented that the guardian was contacted to discuss placement issues and the need for the guardian to broaden the allowance of where staff could send the admission packets. It was documented that the guardian was upset, saying that the documents say he presents as aggressive, when his baseline is lying in bed all day. The guardian insisted that the information be changed.

The Social Worker documented that he does present as agitated and has required as needed medications during the hospitalization. It was offered that a note would be added to the packet indicating that the facility can call the guardian for historical information on his presentation. The chart contained an amendment statement/entry written by the Physician, which stated that, "Legal Guardian of patient requested amendment to Medical Record, specifically concerning a representation of a historical incident in Section 1 of the Psychiatric Evaluation date 3/8/2018 @ 11:30." The entry goes on to detail what the guardian opposed.

The hospital's Patient's Right to Inspect and Obtain a Copy of PHI (Protected Health Information) states (to summarize) that the hospital requires patients to direct request for access, inspection, or a copy of PHI to the HIM (Health Information Management) Director. HIM staff will inform patients that requests for access are required to be in writing. The patient will be asked to complete a Release of Information form.

### **Conclusion**

Pursuant to the Illinois Mental Health and Developmental Disabilities Confidentiality Act, Section 4 (a), "The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof: (1) the parent or guardian of a recipient who is under 12 years of age; (2) the recipient if he is 12 years of age or older; (3) the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying the access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record. Nothing in this paragraph is intended to prohibit the parent or guardian of a recipient who is at least 12 but under 18 years from requesting and receiving the following information: current physical and mental condition, diagnosis, treatment needs, services provided, and services needed, including medication, if any; (4) the guardian of a recipient who is 18 years or older..."

As noted above, the guardian reviewed the admission packets, and she reviewed the psychiatric evaluation. The findings do not support the allegation that the guardian was denied access to the patient's chart; the allegation is unsubstantiated.