



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 19-050-9006
Andrew McFarland Mental Health Center

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving complaints of potential rights violations at Andrew McFarland Mental Health Center, a Department of Human Services hospital in Springfield that cares for adult civil and forensic patients. The allegation is that a patient's visits and telephone use were unjustly restricted when a complete ban was placed on them because of one troubling visitor and caller, and her patio privileges were restricted as well for unknown reasons.

Substantiated findings would violate communication and least restrictive environment rights under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and Department policy.

An HRA team interviewed representatives from administration and nurses involved in this patient's care. Relevant policies were reviewed as was the medical record with authorization.

FINDINGS

The patient was admitted to McFarland in September 2018, unfit to stand trial according to her record. The first restriction occurred a few weeks later on October 9 when a physician ordered, "No visits due to threats to peer", for 72 hours. The corresponding restriction notice stated the same, and the patient wished no one to be notified. The physician's progress note described the situation at hand where the patient talked on the phone with her companion about a specific peer; the peer retaliated by hitting her and then the patient's companion called back and threatened the peer. Unit visitor logs showed no visitors for the patient during these 72 hours. Her telephone use was not restricted, at least by the documentation, but rather she was encouraged not to use peer names when on the phone with family.

A second instance happened on October 16 when the physician ordered a 7-day visitor restriction, "...visitors loitering on grounds, peering in windows, threatening continues", along

with a patio restriction. The notice included visits and the patio and repeated the loitering and peering, etc. The patient wanted no one notified. According to the physician's progress note on the problem, "Multiple not documented [patient] visitors on facility grounds for hours...accusatory toward staff (threatened peer previously), looking in through unit windows...disruption to patient care, care of peers and facility safety – 7 day restriction of visits." No visitors were logged for this period, and the patient's phone use was not restricted according to the chart. The visits portion was continued an additional 7 days on October 23 after a nurse reported having a call from the companion saying he knew of a plan by several people to "bust" the patient out. Another order and restriction notice were entered for a third instance, both referencing the elopement plan, the alert to security and the need to provide safety. Again, the patient designated no one to be notified. The physician and the nurse wrote about the call and of their concerns in the notes. There were no visitors logged for this period, and the patient's access to the phones was not restricted.

The patient's time on the patio was restricted once more in November when the physician entered a 72-hour order for not following staff directives. The restriction notice described more in that the patient continued breaking sticks into sharp points after repeatedly being asked to stop. The form indicated that no one was to be notified. A nursing incident note went further to explain how the patient was also enticing a male peer on another unit through a window while she was on the patio. Her behavior was inappropriate, and the two had previously been separated. There were no further restrictions during the rest of her stay at McFarland.

The staff stated in our interviews that visit restrictions are not meant to blanket but target an individual or situation that is potentially harmful. It was suggested that the physician in this case simply wrote the order incorrectly in the first event. They recalled this patient well and the problems her companion created whenever he was at the facility. They verified the documentation regarding the second and third instances and said that blanket restrictions were necessary in both given that several unknown people were involved.

CONCLUSION

McFarland policies state that individuals are allowed private visits and telephone conversations, unless contraindicated in treatment plans. Reasonable restrictions may apply on physician orders to prevent harm, harassment or intimidation. (#HR126). Visits with forensic patients shall be conducted in a manner to preserve the safety and security level of the unit, and court orders or physicians' orders may restrict them. The restriction cannot be for all visitors but must specify the individual being restricted. (#TS324). Forensic unit supervision privilege level includes being allowed on the patio area in staff presence unless otherwise specified. (#MD402). Rights restriction forms are completed in all instances.

The Mental Health Code protects the right to unimpeded, private and uncensored communication by visits and telephone, which may be reasonably restricted to prevent harm, harassment or intimidation. (405 ILCS 5/2-103). It also requires care to be humane and provided in the least restrictive environment. (405 ILCS 5/2-102a). Any restriction must be accompanied with a completed restriction form stating the justification and must be given to the patient and anyone so designated. (405 ILCS 5/2-201).

In the first visitor restriction the patient's companion called the facility and threatened another patient. Exactly what he threatened was not made clear in the record, but it would seem appropriate to temporarily prevent his appearance for obvious safety reasons. Only those visits and calls that are potentially harmful or harassing may be restricted however, and the physician wrote an order for "No visits" instead of singling the man out. That was repeated on the accompanying restriction notice, and the patient had no visitors until the expiration. A violation is substantiated.

In the second and third instances, a group of visitors was seen wandering on the grounds, peering into unit windows, creating a disturbance and potential safety threat and the companion notified the facility about a planned breakout. The identities of those in the group or in the reported breakout were unknown and it was necessary to temporarily block all visits as a safety and security measure. A rights violation is not substantiated.

The patient was given no telephone restrictions, in fact there were numerous references to her troubles with keeping her frequent calls to the twenty-minute time limit throughout the record. A violation is not substantiated.

The first patio restriction was to protect against a group of unruly visitors including the companion who was roaming the grounds and the second to secure the patient from an alleged bust out. Both very reasonable since McFarland has an open campus and anyone can approach the fenced-in patios. The patient's right to humane care in the least restrictive environment was not violated. The complaint is not substantiated.

RECOMMENDATION

Administration should review the way physicians are writing restriction orders and revisit the issue with at least this particular physician.

COMMENT

This record revealed yet again that unit staff overhear or listen to patient phone conversations and document them verbatim, and the quotations in this record had nothing to do with the restrictions. This problem has been raised with administration before and unless there is potential harm or a duty to warn, it must not be tolerated. McFarland has a major problem with some patient phones being mounted right next to nurses' stations so that privacy is impossible. Although we are assured that office phones can be used for more privacy, for talking with lawyers for example, McFarland must explore alternatives and move all phones within earshot of nurses' stations and until then is in direct violation of the Mental Health Code and Department policy.

RESPONSE

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



JB Pritzker, Governor

Illinois Department of Human Services

Grace B. Hou, Secretary

McFarland Mental Health Center
901 Southwind Drive • Springfield, IL 62703

August 26, 2019

Tara Dunning, HRA Chair, Human Rights Authority
Illinois Guardianship and Advocacy Commission
521 Stratton Building
401 S. Spring Street
Springfield, IL 62706

RE: Case #19-050-9006

Dear Ms. Dunning,

This letter is in response to your Report of Findings for case # 19-050-9006 dated July 2, 2019 which included a substantiated rights violation due to an unspecified, general restriction of visits for a patient.

Current policy outlines indications which would necessitate a restriction of a patient's rights to visitors and telephone use on a temporary basis as well as the requirement for a physician's order. However, after further policy review, it was determined the policy does not indicate the requirement for the physician's order of restriction to be specific on who is to be restricted from visiting or contact via telephone. We agree that only those visits and calls that are potentially harmful or harassing may be restricted and will therefore be ensuring this is in policy. Education will also be provided to all of our physicians regarding the importance of outlining specific restrictions on an individual basis and avoiding general or broad restrictions.

In regard to the concern of phone placement on a few of the patient units, this is also under review with a proposal being made to receive funding to relocate those telephones which are close to the staff desk. In the meantime, staff have been reminded of the importance of allowing patient privacy during telephone calls.

Thank you for the opportunity to address systems issues that allow our hospital to improve performance and patient safety.

Sincerely,

Lana Miller, LCSW
Hospital Administrator