



FOR IMMEDIATE RELEASE

**East Central Regional Human Rights Authority
Shapiro Center
Report of Findings
Case #20-060-9007**

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission (IGAC) voted to pursue an investigation of Shapiro Center in Dwight after receiving the following complaints of possible rights violations:

Complaints:

- 1. Provider is not providing the consumer services in the least restrictive environment.**
- 2. Provider is not following the consumer's service plan.**
- 3. Inadequate treatment**
- 4. Inadequate guardian notification.**

If the allegations are substantiated, they would violate protections under the Mental Health and Disabilities Code (405 ILCA 5/2-102), the Code of Federal Regulation (42 C.F.R. § 483.420) and the Illinois Probate Act (755 Ill. Comp. Stat. Ann. 5/11a-23).

Complaint Summary: The complaint alleges the individual was coerced into eloping from his home by another peer. The individual returned to the facility and the provider moved the individual into a room with the peer that coerced him into eloping. The complaint alleges the individual is on 2 to 1 supervision as is the peer in the room, ultimately making the supervision 4 to 2. The complaint alleges there has not been a treatment team meeting and the guardian was not provided a restriction of rights notification.

Investigation

The HRA proceeded with the investigation. To pursue the matter, the HRA conducted a site visit via WebEx and program representatives were interviewed. Relevant practices and policies were reviewed.

Interviews:

On December 16th, 2020 at 2 pm, the HRA met with Shapiro Center staff members, including: the Unit Social Worker, Quality Improvement Primary Care (QIPC) and the Center Director. The

meeting occurred via WebEx. The meeting began with introductions and a review of HRA procedures.

Staff disclosed on 9/10/19 the individual and a peer eloped from Shapiro Center. The two were in the gym after dark and ran away from the group leader. The individual and the peer ran to a local motel and stole a vehicle. The police located the vehicle and followed the individual and the peer, who were traveling at a high rate of speed towards Decatur. The individual and the peer evaded police and were not seen again until 9/12/19 when they arrived at a hospital in a different city. The individual and peer were returned to the Shapiro Center. The individual had injuries upon arriving back at the Shapiro Center.

Staff disclosed that the individual's guardian was notified upon the individuals' return to the Shapiro Center. The guardian was also advised that the individual would now always have 2:1 supervision. On 9/16/19 there was an Interdisciplinary Team (IDT) meeting that both the individual and the guardian attended. Staff stated the purpose of this meeting was to discuss the incident and possible rights restrictions. The team, including the guardian, agreed to continue with 2:1 supervision. Staff explained that 2:1 supervision was to occur 24-hours a day and the two staff members were to stay within an arm's reach of the individual at all time. The team also agreed to restrict the individual from having his bicycle, pens, pencils and other sharp objects. Staff explained that the bicycle was restricted to prevent the individual from eloping again. Other restrictions also included, not having his grooming kit unless supervised and the individual had to remain on the unit at all times unless there was an emergency. The team also decided to have the individual move into a room with the peer he eloped with. The staff explained they felt that given the gravity of the situation they did not want the individual or peer to be around other impressionable individuals. Staff explained that the guardian nor the individual made any objections to the rights restrictions and that the guardian signed a consent for these restrictions. The team agreed to meet monthly to discuss and re-evaluate these restrictions. The restrictions were sent to the Human Rights Committee at Shapiro and the behavior intervention committee for review and approval. The Human Rights Committee approved the restrictions.

Staff explained on 10/16/19 there was another IDT meeting that the guardian and individual attended. At that meeting, the guardian requested that the individual no longer reside in the same room as the peer. The individual also requested to be moved. The team discussed this but decided against the room change because they did not want the individual or peer to be around other impressionable individuals. Staff stated neither the guardian nor the individual disagreed with this decision. The team continued to meet monthly and as they met; restrictions were lifted from the individual. The guardian and the individual attended these monthly meetings.

The individual had a history of elopement at his previous facility. Staff explained during one elopement, the individual was hit by a vehicle. This elopement was the only instance for the individual while at the Shapiro Center. Staff explained that the elopement was addressed with the individual and he was encouraged to speak with staff to work out any issues he may be having. Staff explained the peer was the main reason for the individual's elopement, however, the individual did elope voluntarily.

Staff explained that for any incidents the guardian is notified via telephone. The guardian is also invited via mail to attend a specialty meeting to discuss the incident. Staff stated there should be a note in the record that states when the guardian was notified. If there are any specialty meetings the guardian is always invited to be present during the meeting.

Staff explained that during this elopement all procedures were followed by staff. However, there was an in-service training to review with staff the proper procedures to follow with an elopement. Staff stressed that all proper procedures were followed with this elopement and the in-service was a gentle reminder to staff.

The HRA received email correspondence from the Guardian to the Director of Unit 5 at the Shapiro Center. On 9/20/20, the guardian sent an email to the Director of Unit 5 stating the individual "asked if he could be moved to a different unit, and he stated he did not want to share a room with the peer he eloped with." The guardian explained the individual did not want to be with the peer because the individual did not want to be talked into eloping again. The guardian agreed with the individual's request. The guardian received a response from the Director of Unit 5 on 9/20/20 stating "I have reviewed your concerns and at this time both individuals will remain in the same room. As previously stated, the team will meet in 30 days to review."

Policy Reviews:

Shapiro Center shared their policy on "Rights of Individuals" which the HRA reviewed. The policy states "Shapiro Center is responsible for protecting and affirming the rights of individuals who reside at the Center in accord with the Illinois Mental Health and Developmental Disabilities Code. Individuals who reside at the Shapiro Center shall not be deprived of any of their rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, of the Constitution of the United States solely because he/she is a recipient of services." Furthermore, under "Rights that may be limited by clinical and administrative procedures include: Rights of individuals to communicate (this is a use of telephone, for both local and long distance calls); send or receive mail in privacy; receive visitors; to have personal property; freedom of movement; privacy, and to manage his/her financial affairs. Where limitation or restriction of the above specified rights are considered necessary, the following procedure must occur: each limitation or restriction of an individual's rights must be discussed in a meeting of the Interdisciplinary Team and documented in the Individual Support Plan, in accord with the Mental Health and Developmental Disabilities Code... The guardian is given a written copy of the individual's ISP including Section IV...If a restriction/limitation must receive approval from the Behavior Intervention Committee and Human Rights Committee and consent from the person served or his/her guardian, if applicable, prior to implementation of the plan...The affected individual or others acting on his/her behalf are given an opportunity to object to the proposed limitation or rights."

The HRA reviewed Shapiro Center's policy on their Human Rights Committee, which states "The Human Rights Committee (HRC) is established by the Shapiro Center to ensure that the human, civil and legal rights of all individuals who reside at Shapiro are safeguarded and supported. The committee ensures that the Interdisciplinary Team has reviewed each individual's rights and established supports and procedures and practices which affect the rights of

individuals living at the Center.” Furthermore, the policy states “request for approval of plans containing restrictive intervention techniques must include documentation that informed written consent has been obtained from the individual or guardian as applicable, or documentation of verbal consent along with form SC #522D...”

The HRA reviewed Shapiro’s “Individual Support Plan” policy which states “Each individual admitted to the Shapiro Center shall have an Individual Support Plan designed by an appropriate constituted Intermediary Team. An IDT meeting is held within 72 hours of admission, then within 14 days of admission and at least annually within 365 days thereafter.” Furthermore, the policy reviews the definition of an Individual Support Plan as well as the definition, compensation and function of the Interdisciplinary Team. The policy states “The Interdisciplinary Team, Person Centered approach involves the person served his/her family/guardian/advocate, professionals and service providers in the diagnosis, evaluation, program planning, implementation and review process...consensus model is used to reach decisions, and there is a formal appeal process clearly delineated for the person served and family members/guardians.” Furthermore, the policy states “The IDT promotes exercising rights, responsibilities and self-determination/choice of the person served. Rights restrictions are identified, risk versus benefit and risk versus risks reviewed and approved by the IDT and result in aggressive action directed toward removing the restriction. Consent is obtained/updated as warranted.”

Records Reviews:

The Shapiro Center provided the HRA with copies of the individual’s Psychological and Behavioral Assessments dated 11/26/18 which state the following in summary: the individual has been at Shapiro since 11/8/18 when the CILA he was residing at closed. The individual has a history of elopement and is not safe in the community without supervision. The individual’s diagnosis is Traumatic Brain Injury, Mood Disorder, Oppositional Defiant Disorder, Depression, Tourette’s, and PTSD.

An injury report was provided to the HRA for the individual. The injury report dated 9/12/19 indicated the individual had scratches and bruises upon his return to the Shapiro Center after an elopement.

The HRA reviewed a copy of the Interdisciplinary Team (IDT) Special Meeting dated 9/16/19. The signature page indicates the guardian was present at the meeting. The presenting issue states “the freedom of movement and level of supervision, restrictive techniques and personal property section of the Individual Assessments of Rights and the corresponding Rights section of the individual support plan (ISP) is being revised related to supervision, setting and property...” The discussion section states the following in summary: on 9/10/19 while on campus for evening activities, the individual and a peer eloped. Staff went after him but lost sight of him. Facility UA/search procedures were initiated and followed. The team discussed and agreed to revising the individual’s rights. These revisions included 2:1 supervision 24-hours a day, always remaining on the unit, to be provided his snacks and meals in the living area only and continue to follow his schedule including housekeeping program and rec/leisure activities on the unit on nights and weekends. The Team will review the supervision and setting restrictions on a monthly

basis and a service objective will be added. There was a discussion and it was agreed to a personal property restriction. The property restriction included not allowing the individual to have his bicycle to prevent elopement, not allowing access to grooming kit unless under staff supervision, and restricting access to pens, pencils, and sharp objects. The team agreed to review these restrictions monthly. The recommendations section stated that the case worker would send the notes of the meeting to the guardian, revise the rights section of the ISP, and submit the new rights restrictions to the Human Rights Committee. The psychologist will submit revisions of the Behavior Intervention Program regarding supervision and restrictions to the Behavior Intervention Committee and Human Rights Committee. The QIDP will set service objectives for the restrictions of supervision, settings and property, and review each restriction monthly.

The HRA reviewed the Behavior Intervention Plan Addendum #1 dated 9/19/19 which requests changes to 2:1 supervision, setting restrictions for the individual to remain on the unit, setting property restriction for the individual's bicycle, grooming kit, and various sharp objects and added stealing to the individual's intervention plan. The rationale states "on 9/10/19, the individual eloped from Shapiro Center. While he was gone from Shapiro Center, he stole a truck, evaded police. Allegedly trespassed onto other's property, and allegedly broke into buildings and stole items."

The HRA reviewed the Behavior Intervention Plan Addendum #2, dated 9/27/19 which states under requested changes "the IDT is requesting to hold non-contingent reductions of olanzapine for a period of 3 months." The rationale states "...as with any technique designed specifically to reduce an unwanted behavior, the restrictive strategies that were implemented have the risk of producing undesirable emotional reactions. The restrictive techniques could also be associated with a decrease in desirable behavior as well. Due to these factors, reducing olanzapine at this time could potentially complicate the clinical picture. The IDT agrees that this is not an appropriate time to reduce olanzapine."

The HRA reviewed a copy of the Interdisciplinary Team (IDT) Special Meeting dated 10/16/19. The signature page indicates the guardian was present at the meeting. The IDT conducted "The review of freedom of movement and level of supervision, restrictive techniques and personal property restrictions outlined in the addendum of the individual's behavior intervention plan." The discussion sections state "...The team reviewed the individual's behavioral data over the last 30 days, and it was noted that he has had 40 incidents of inappropriate verbalization. This includes swearing, yelling, and threats to get staff fired. When discussing this behavior data with the individual, he has admitted that he had engaged in this behavior in attempt to distract staff in an attempt to elope again. During the discussion the guardian made a recommendation to have the individual moved to a different room away from one of his peers. The individual also expressed that he would like to be moved to a different unit and group. The team disagreed with this recommendation. This decision was made as a team on a clinical basis given their most recent elopement issue and history of elopement."

The HRA reviewed a copy of the Interdisciplinary Team (IDT) Special Meeting dated 11/13/19. The signature page indicates the guardian was present at the meeting. The purpose of the meeting was to review the current restrictions. The review included: "The review of freedom of movement and level of supervision, restrictive techniques and personal property section of the

Individual Assessments of Rights and the corresponding rights section of the individuals Support Plan (ISP) is being revised related to supervision, setting and property.”

The HRA reviewed the Behavior Intervention Plan Addendum #3, dated 11/14/19 which states under requested changes “The IDT is requesting to remove the setting restrictions to the snack/vending machine and dining room.” The rationale states “...The individual has only displayed inappropriate verbalization over the past month. The IDT agreed to remove the setting restrictions to the snack/vending machine and dining room. The IDT will meet next month to review the restrictions.”

The HRA reviewed a copy of the Interdisciplinary Team (IDT) Special Meeting dated 12/10/19. The signature page indicates the guardian was present at the meeting. The reason for the meeting was to review the current restrictions. The team notes a decrease in targeted behaviors and agreed to allow the individual to attend the vocational center with 2:1 supervision. Also, they agreed “to terminate the skill strategy Advanced Housekeeping skills and initiate work Initiate 8 points due to the individual returning to the vocational center.” The team also agreed to move the individual’s bedroom.

The HRA reviewed the Behavior Intervention Plan Addendum #4, dated 12/10/19 which removed the restriction to the vocational center.

Shapiro Center provided the HRA with a copy of the “Restrictive Behavioral Technique Only” form signed by the guardian. The form verifies the guardian consented to the “following restrictive behavior intervention technique(s): 1) 2:1 staff supervision on the Living area, on campus, and off campus. 2) Property restriction 3) Setting restriction.” The guardian signed the consent on 9/17/19. Furthermore, the HRA reviewed another “Restrictive Behavioral Technique only” form that the guardian consented to on 2/25/20 listing the following restrictions “1)2:1 staff supervision on the living area, on campus, and off campus. 2) 1:1 supervision on the living area, on campus and off campus. 3) Property restriction 4) setting restriction.”

The HRA reviewed a “notice regarding restriction of rights of an individual” dated 9/12/19 and another on 9/15/19. The restriction of rights to the individual included 2:1 supervision, not allowing the individual access to his bike and “may not attend trooper, voc center, snack shop, trust fund, 514B dining room and may not be outside and 514 vending area.” It is noted that a copy of these restrictions were mailed to the “representative of the Guardianship and Advocacy Commission.”

Documents provided by the guardian:

The HRA received email correspondence from the Guardian to the Director of Unit 5 at the Shapiro Center. On 9/20/20, the guardian sent an email to the Director of Unit 5 stating the individual “asked if he could be moved to a different unit, and he stated he did not want to share a room with the peer he eloped with.” The guardian explained the individual did not want to be with the peer because the individual did not want to be talked into eloping again. The guardian agreed with the individual’s request. The guardian received a response from the Director of Unit

5 on 9/20/20 stating "I have reviewed your concerns and at this time both individuals will remain in the same room. As previously stated, the team will meet in 30 days to review."

The HRA reviewed a document that the guardian signed on 9/17/19 consenting to "2:1 supervision on the living area, on campus and off campus, property restrictions and setting restrictions" for the individual.

The HRA received email correspondence from the Guardian to the staff at Shapiro Center dated 10/4/19. The email states "I would like to revoke consent for 2:1 staffing and setting restrictions. (setting restrictions, he is not allowed to leave the unit, cannot go to dining room for meals or go to vending machine if he wants a snack) also these restrictions are in place for 6 months. That is a little excessive. I know there is consequences for his actions, but..."

Conclusions

Complaint 1: Provider is not providing the consumer services in the least restrictive environment

Complaint 2: Provider is not following the consumer's service plan

Complaint 3: Inadequate treatment

Due to the connections and relationship of the three complaints, they have been combined in this conclusion.

The Mental Health and Developmental Disabilities Code (405 Ill. Comp. Stat. Ann. 5/2-102) states "(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. The Plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian, the recipient's substitute decision maker, if any, or any other individual designated in writing by the recipient. The facility shall advise the recipient of his or her right to designate a family member or other individual to participate in the formulation and review of the treatment plan. In determining whether care and services are being provided in the least restrictive environment, the facility shall consider the views of the recipient, if any, concerning the treatment being provided. The recipient's preferences regarding emergency interventions under subsection (d) of Section 2-200 shall be noted in the recipient's treatment plan."

The Illinois Probate Act (755 Ill. Comp. Stat. Ann. 5/11a-23) states "(b) Every health care provider and other person (reliant) has the right to rely on any decision or direction made by the guardian, standby guardian, or short-term guardian that is not clearly contrary to the law, to the same extent and with the same effect as though the decision or direction had been made or given by the ward."

The individual's restrictions included 2:1 supervision and to remain on the unit at all times. In addition, the individual was placed in a room with a peer who also had 2:1 supervision, making supervision in that room 4:2. It is documented that the guardian disagreed with the peers living together, but even with this lack of agreement, the guardian still signed the restriction. The

guardian was a part of each treatment plan, but the treatment team would not take the suggestions of the guardian or the patient when he communicated, he did not want to be roommates with the other individual. Per 405 ILCS 5/2-102, the treatment team is to take the recipient's feelings into consideration but in this case they did not nor did they follow the guardian's request. Because of this, the East Central Human Rights Authority concludes the complaint is **substantiated**. The Human Rights Authority makes the following **recommendations**:

1. The Shapiro Center ensure they are providing care in the least restrictive environment to follow the Mental Health and Developmental Disabilities Code and that they are taking the patient and guardian's feelings/thoughts into consideration per the Mental Health and Developmental Disabilities Code (405 Il Admin Code 5/2-102). Please train staff in the importance of the Code and provide the HRA evidence.

Complaint 4: Inadequate guardian notification

The Code of Federal Regulations (42 C.F.R. § 483.420) states "(c) Standard: Communication with clients, parents, and guardians. The facility must (1) Promote participation of parents (if the client is a minor) and legal guardians in the process of providing active treatment to a client unless their participation is unobtainable or inappropriate; (2) Answer communications from clients' families and friends promptly and appropriately... (6) Notify promptly the client's parents or guardian of any significant incidents, or changes in the client's condition including, but not limited to, serious illness, accident, death, abuse, or unauthorized absence."

The HRA reviewed a copy of the Interdisciplinary Team (IDT) Special Meeting dated 9/16/19, 10/16/19 and 11/13/19. The signature pages for meetings indicate the guardian was present at all three meetings. HRA reviewed a document that the guardian signed on 9/17/19 consenting to "2:1 supervision on the living area, on campus and off campus, property restrictions and setting restrictions" for the individual. The HRA also saw examples of the guardian consenting to rights restrictions by signing forms, emails between the staff and guardian and correspondence regarding the guardian appealing a restriction. Because of this, the HRA finds the complaint **unsubstantiated** and has no further suggestions for the facility.

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

Shapiro Center

100 East Jeffery Street • Kankakee, Illinois 60901

April 19, 2021

Illinois Guardian and Advocacy Commission
2125 South First Street
Champaign, Illinois 61820
Attention: Kelli Martin, Chairperson

RE: Human Rights Authority Case #20-060-9007

In response to your review and recommendation in the above case; Shapiro Center's response is as follows:

The incident that occurred was a direct result of the individual's maladaptive behavior. Due to the severity of the behavior by intentionally leaving the designated area, stealing a truck, driving erratically at a high rate of speed on Interstate 57 endangering himself and others, evading the State Police; emergency procedures were immediately implemented. The restrictions for the individual were discussed in detail during Special Team Meetings, which included supervision, property, and setting restrictions. Changes to the Behavior Intervention Program were completed which included Service Objectives for the restrictions and the Individual Assessment of Rights. The guardian consented and signed for each of these restrictions.

The Interdisciplinary Team reviewed the supervision and property restrictions to determine if changes were warranted monthly. The guardian and individual participated in these monthly meetings. During the October 2019 Special Team Meeting, the guardian and the individual made a recommendation to move to a different unit and group. During the discussion, the guardian made a recommendation to have the individual moved to a different room on the same living area. The Interdisciplinary Team was not in agreement with this request due to the maladaptive behaviors exhibited by the individual over the last 30 days. The behavioral data was discussed in detail, and the individual admitted he engaged in these behaviors in an attempt to distract staff an attempt to elope again; therefore the decision was made as a Team (which included the guardian and individual) on a clinical basis, the individual would not be moved to a different unit, group, or room. The risk did not outweigh the benefit of this recommendation at this time.

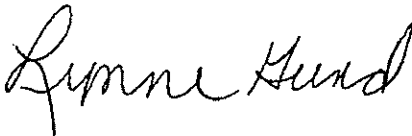
During the November 2019, Interdisciplinary meeting, the Team reviewed the supervision and property restrictions to determine if changes were warranted. The guardian and the individual participated in this meeting. During this meeting, behavioral data was discussed, and progress was noted. The requested changes to the restrictions were discussed and were implemented. The individual was excited and proud of the progress that he was making and that he gained the opportunity to go to other areas. There was no discussion during this meeting about moving to a different area, group, or room.

During the December 2019, Interdisciplinary meeting, the Team reviewed the current restrictions and if changes were warranted. The guardian and the individual participated in this meeting. Again, during this meeting, the behavioral data was discussed, and progress noted. The individual was excited and proud of the continued progress made. Restrictions were discussed and implemented, which included an environmental change by making a bedroom change.

Where the limitation or restriction of rights specified were considered necessary, these restrictions were discussed in Interdisciplinary meetings, and documented in the Individual Support Plan in accord with the Mental Health and Developmental Disabilities Code. These restrictions were also reviewed and approved by the Behavior Intervention Committee, the Human Rights Committee, and consented to by the guardian. During each meeting, the Interdisciplinary Team, which includes the guardian and individual; the rights and restrictions identified were discussed to determine the risk versus the benefit and risk versus risks, and result in aggressive action specifically directed toward removing the restrictions which was completed through each monthly meeting. The Interdisciplinary Team (IDT) did take the individual and the guardian's feelings/thoughts into consideration as it related to a bedroom change. A bedroom change was completed when the when the benefit outweighed the risk.

Therefore, Shapiro Center is not in agreement with the East Central Human Rights Authority conclusion of a substantiated in this case complaint.

Respectfully submitted,

A handwritten signature in black ink that reads "Lynne Gund". The signature is written in a cursive, flowing style.

Lynne C. Gund
Center Director