



FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Draft Report of Findings
HRA #20-100-9004
Elgin Mental Health Center

Introduction

The North Suburban Regional Human Rights Authority (HRA) opened this investigation regarding Elgin Mental Health Center (EMHC), Forensic Treatment Program (FTP) N after receiving a complaint of alleged rights violations. The complaint accepted for investigation alleged that patients can no longer purchase their own toothbrushes; they must use safety toothbrushes provided by the facility.

The rights of patients receiving services at EMHC are protected by the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5).

Patients receiving services at EMHC's Forensic Treatment Program have been remanded by Illinois County Courts to the Illinois Department of Human Services (DHS) under statutes finding them Unfit to Stand Trial (UST) and Not Guilty by Reason of Insanity (NGRI). Placement evaluations determine the most appropriate inpatient or outpatient setting for forensic treatment based on several factors including age, gender, mental health diagnosis, and security need. Unless a person is specifically ordered to receive services in an outpatient setting, court ordered referrals under state forensic statutes call for placement in a secure inpatient setting. The Forensic Treatment Program has approximately 315 beds.

Methodology

To pursue this investigation, the HRA requested all baseline data gathered showing that toothbrushes have been used as a weapon; a written response was provided. The allegation was discussed with the Center's Acting Facility Director and relevant policy was reviewed.

Findings

As stated above, it was reported that patients can no longer use or purchase personal toothbrushes. The HRA was advised both in person and by a written response that an incident occurred on one of the Forensic Treatment Program units, in which a staff member was attacked by a patient with a toothbrush. When asked if the toothbrush had been modified to resemble a weapon, it was believed that it had not been modified. Subsequent this incident, the Safety Committee met on numerous occasions to discuss what could be done to prevent any future incidents of this nature. It was eventually decided to purchase short-handled toothbrushes for safety reasons. It was offered that research was done with the Center's Dentist to see if a short-handled toothbrush was as effective as a long-handled one. It was stated that the Dentist felt that the short-handled toothbrushes did a better job of cleaning. When asked about the patient's right to retain his or her own personal possessions, it was offered that this was not part of the discussion.

The HRA was advised that there are certain medical conditions in which one's agility and ability to grasp the shorter handle would be difficult. In such circumstances, a wider-handled medical toothbrush would be provided for that patient.

The facility's Right to Personal Clothing policy states that patients on the designated UST (Unfit to Stand Trial) Modules will only be allowed to use facility purchased safety toothbrushes, hairbrushes and pens/pencils. Patients may be able to use adaptive toothbrushes, hairbrushes, etc. due to medically diagnosed physical limitations provided these assistive devices do not pose a safety risk to patients or staff. The HRA inquired into whether the above was policy was just for those patients receiving services on the UST modules. We were informed that this stipulation is for all patients receiving services in the Forensic Treatment Program.

Conclusion

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 2-104., "Every recipient who resides in a mental health or developmental disabilities facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except in the circumstances and under the conditions provided in this Section. (a) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission."

Pursuant to the Illinois Mental Health and Developmental Disabilities Code, Section 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."

The HRA acknowledges that the Center must ensure the safety of all patients and staff members. However, to require that all patients use a safety item because of the action of one individual seems excessive. If a patient has personally purchased a full size toothbrush, the patient must be allowed to use that item unless it has been found to be harmful to that patient or others.

Recommendation

The Center must ensure that when personal possessions are restricted, the item is restricted on an individual basis.

RESPONSE

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



Illinois Department of Human Services

JB Pritzker, Governor

Grace B. Hou, Secretary

Elgin Mental Health Center
750 South State Street • Elgin, IL 60123

January 9, 2020

Ms. Kori Larson, Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

HRA #20-100-9004

Dear Ms. Larson:

Thank you for your letter regarding your findings. EMHC would like to add additional information to your review of this situation. EMHC agrees that it is important to weigh the cost of restricting personal possessions of patients against safety concerns for all patients and staff.

The report stated that "When asked about the patient's right to retain his or her own personal possessions, it was offered that this was not part of the discussion." Upon review, it was found that this matter was brought to the Consumer Council and the Safety Committee to review the cost and benefits of restricting personal toothbrushes against the potential harm that weaponized toothbrushes could cause. Your findings noted that it was reviewed by medical personnel to ensure that the toothbrushes would provide adequate oral hygiene. Since receiving your findings, the policy has been sent to the hospital's Human Rights Committee for further review to ensure that the implementation of this policy is done in a way that follows the Mental Health Code.

The report stated that "...to require that all patients use a safety item because of the action of one individual seems excessive." There have been two incidents at EMHC, and additional incidents at other state hospitals. McFarland MHC, Chester MHC, and IDOC facilities also require the use of short handled toothbrushes for safety reasons.

The fashioning of weapons and stabbing events with long handled objects does happen with a reoccurring frequency at EMHC. Because of this frequency and pursuant to the Illinois Mental Health and Developmental Disability Code EMHC has decided to restrict long handled toothbrushes across the facility in favor of anti-shank toothbrushes to reduce the risk of serious injury or death. Since the implementation of this policy, there has not been a weapon or stabbing event with toothbrushes.

EMHC has updated policy 705, section III, 4. A, stating that all patients will be provided with an anti-shank/short handle toothbrush. This will be included in the EMHC handbook that is provided to patients upon admission.

Please feel free to include our response with any public release of your Report of Findings.

Respectfully,

Michelle Evans, DSW
Hospital Administrator