



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 21-050-9008
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 treats adult civil and forensic patients. The allegation is that a patient's right to mail and property was restricted unjustly when package contents were recently seized and not returned.

Substantiated findings would violate protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and program policy.

An HRA team met with McFarland's Quality Manager and the patient's Nurse Manager from his minimum-secured unit. Relevant policies were reviewed as were portions of the patient's record with authorization.

COMPLAINT SUMMARY

It was reported that the patient had prior approval to order packaged foods from an outside vendor including salmon, nuts and dried berries, soybeans and spinach, which were suddenly confiscated without prior notice. Unit staff allegedly explained to the patient that the items were packaged in foil materials that were considered contraband and that he could no longer have them. The last order was said to total about \$120, and the items were neither returned nor reimbursed.

FINDINGS

According to a February 2, 2021 case note, "Minimum Secure Contraband Unit [Clinical Director] with assistance of unit staff provided patient with Contraband list. Box was opened by

patient and items that were contraband but allowed under staff supervision were placed in patient contraband folder. Items that were not allowed will be stored in storage cabinet or returned to family via mail. [Patient] requested a Restriction of Rights, CD explained that this was policy. [Patient] said, ‘That policy is only for Medium security units’ CD showed him the top of the page that referenced Minimum security. After taking out the contraband items he again asked for a restriction of rights because we were refusing his property. He provided CD with updated address for his mother so that we could mail back items from his box and from a recent [vendor] delivery.”

The staff we spoke with explained that the items confiscated from this patient, such as the salmon pouches, contained an aluminum or foil lining that has always been on the facility’s contraband lists, civil and forensic, and is restricted from use. They relaxed on this particular restriction however, and multiple patients were getting items in this type of packaging for some time, so the staff decided to start enforcing the rule again. One patient received about twenty or thirty of these packages, for example. The facility also recently updated its contraband list and the staff felt it would be better to follow. They said that aluminum/foil can be shaped into something harmful, used to scratch or stick into electrical outlets, which is likely why it makes the list. This patient is now allowed to order salmon in different packaging and that seems to be going well. He can also have the less perishable food items, such as the nuts and berries, replaced into zip lock bags for his use, instead of having them confiscated as they intend to accommodate his protein preferences.

Packages are opened in front of the receiving patient and the contents are inspected for safety before handing over. Any restricted item is stored or sent back at facility expense as appropriate. But it was expressed that there could be some disparity in the rule’s application unit-to-unit since it is ultimately the inspecting staff’s discretion on whether contents or packaging materials are acceptable. In this case the patient was given a contraband list on admission, as is practice with all patients, and then he was provided a revised list at the time his package was restricted. There was no change on the aluminum/foil within the policy, and the confiscated items were sent to the patient’s mother. A restriction notice was therefore unnecessary. The Quality Manager followed up with us after reviewing shipment receipts from McFarland’s storeroom to the patient’s mother, showing one package sent to her in February and another sent to her in May 2021.

CONCLUSION

McFarland’s contraband list is included in a patients’ handbook that is shared with them and their families on admission. The list divides certain items into three classes: Contraband: confiscated and not returned; Restricted: not allowed for personal use, sent home or stored, and Potentially Dangerous: may not be retained but stored in a safe location for use under staff supervision. The HRA reviewed a list from 2018 when this patient was admitted, and one from 2021, both of which restricted “Aluminum or tin foil or cans”.

The Code allows patients to receive mail and to receive, possess and use personal property. “(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.” (405 ILCS 5/2-103; 2-104). Written notices are otherwise given whenever rights under Chapter II are restricted. (405 ILCS 5/2-201).

In this case the unit staff allowed the patient to receive a restricted product for most of his time there and then suddenly decided to reapply the rule. While the HRA promotes appropriate individual concessions, allowing patients a restricted item and then pulling it abruptly only tantalizes them, and policies that deem items unsafe should not be negotiable but applied consistently in the facility. A policy violation is substantiated.

RECOMMENDATION

-McFarland must avoid policy disparity by identifying specifically what aluminum and foil products qualify as restrictions and then being consistent, unit-to-unit.

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

Grace B. Hou, Secretary

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

September 7, 2021

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

Re: #21-050-9008

Ms. Dunning:

McFarland Mental Health Center recently received the Report of Finding for the case number listed above. The case was substantiated with the recommendation that McFarland avoid policy disparity by identifying specifically what aluminum and foil products qualify as restrictions and to ensure consistent practice unit to unit.

The administrative team will review the verbiage regarding aluminum and qualify it further to limit confusion on the units. Once the policy is updated, all staff will be informed in writing of the change to ensure consistency.

Thank you for assisting us in ensuring all patient rights are maintained.

Sincerely

A handwritten signature in blue ink that reads "Sara Broyles, LCSW".

Sara Broyles, LCSW
Quality Manager
McFarland Mental Health Center

