



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 19-050-9005
Hope

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation into potential rights violations at Hope, an educational, treatment and residential service provider to children and young adults with pervasive developmental disabilities. The complaint is that a residential facility restricts an individual's visits with her guardian and has not informed her guardian of medical appointments and results.

Substantiated findings would violate communication and guardian inclusion protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5).

Hope's residential program in Springfield includes thirteen child group homes that care for youngsters between five and twenty-one years of age. The HRA met with five representatives who were familiar with this resident and the situations in question. Relevant policies were reviewed along with the resident's record with authorization.

The complaint, in summary, states that the parent/guardian of the 19-year-old-resident is being limited to two-hour visits in the home when previously there were no set hours. The guardian regularly visited in the evenings twice per week and stayed as long as she wanted to for the past eight years. There are reportedly no adequate reasons for the new restriction. It was also said that on one visit in September the guardian noticed the resident had a swollen ankle. The staff were unable to explain the cause but said she had already seen a doctor. The guardian was never advised.

FINDINGS

Regarding the alleged guardian-restricted visits, Hope described a history of various incidents where the guardian's presence was troubling. As reported by the home's staff, the guardian refused to sign the resident out when leaving with her, she would grab keys and enter locked areas of the home, cook meals in the home and serve the food in the bedroom and bring

food in to other children without regard for their dietary requirements. They said the guardian would stay for entire shifts and somehow got the entry code and let herself in the home. She was often seen in the backyard peering into windows and would write prayers on the sidewalk.

There was a “blip” of problem activities in September 2018 according to the staff, which followed the resident’s involvement with a Department of Children and Family Services’ call and the termination of an employee. A meeting with the guardian was held on September 27 to find some agreement with respect to the resident’s home environment and housemates. Hope provided a copy of the agenda that included the following:

- “-Mom comes and stays hours
- Volunteer?
- Dinner, bedtime, afternoon routine—2hrs time span—affecting other girls and staff...
- Ok to cook but needs to run through [QIDP], put on [activity] schedule
- Never touch keys
- Code for staff only, come in front door
- Sign in and out
- No food in bedroom—in [activity] rm or dining rm only
- [Nursing] reporting to mom
- Not go in bathroom with other girls”

The staff said they have no established visiting hours or policy and that family and friends can generally come and go as they please. They have no intention of restricting the resident’s visits but in this case needed to set some boundaries to times and accessible areas in the home. They believe two hours is appropriate, and they are not firm on enforcing it and it remains adjustable. The guardian may take the resident for outside visits as long and as frequently as she chooses.

CONCLUSION

Pursuant to the MHDD Code,

...a recipient who resides in a mental health or developmental disabilities facility shall be permitted unimpeded, private and uncensored communication with the person of his choice by mail, telephone and visitation.

(b) Reasonable times and places for the use of telephones and for visits may be established in writing by the facility director.

(c) Unimpeded, private and uncensored communication by mail, telephone and visitation may be reasonably restricted by the facility director only in order to protect the recipient or others from harm, harassment or intimidation, provided that notice of such restriction shall be given to all recipients upon admission. (405 ILCS 5/2-103).

The HRA would normally cite a violation when one person is limited to two-hour visits and others are not. We agree with Hope however that they are not restricting the resident's visitation rights when a reasonable, unstrict two hours in the home on any number of days and no boundaries at all for visits outside the home are arranged, and when the establishment of reasonable times and places is permissible under the Code. A violation is not substantiated.

SUGGESTIONS:

Hope should develop a visitors' policy; one that can be free and flexible as it likes but avoids disparity when problems arise. The policy should address all forms of communication including mail and telephone use as outlined in the MHDD Code.

...the facility director of each service provider shall adopt in writing such policies and procedures as are necessary to implement this Chapter. Such policies and procedures may amplify or expand, but shall not restrict or limit, the rights guaranteed to recipients by this Chapter. (405 ILCS 5/2-202).

Documentation of the visiting situation is scant to say the least and Hope should train all staff to record mounting issues before actions are needed. Any agreed arrangement should be signed by all parties as well with a target date to review.

Regarding the reported swollen ankle, staff said that guardians/parents are alerted to any injury unless otherwise directed by them. There was an ankle-twisting incident in September and a QIDP told us that, "not to my knowledge the guardian was not contacted." A Licensed Practical Nurse noticed the resident limping on Friday, September 7 and had her see the nurse practitioner that day. The nurse is a Doctor of Nursing Practice, or DNP, who is available Monday through Friday.

The record included a matching incident in September. The DNP's report on Friday, September 7, 2018 noted limping on the right foot. It stated that per the staff, the resident jumped out of her bed the evening before and may have sprained her ankle. She diagnosed a strain of the ankle that did not warrant x-rays or further attention, and the plan was to elevate foot, give ibuprofen and to return if it worsened. There is no indication in the record as to whether the guardian was notified by Hope or the DNP. The next documentation came on the following Monday, September 10, 2018 from a visit in the behavior clinic for a chart review where the guardian was in attendance. The physician wrote, "Per staff, [resident] twisted her ankle this weekend. Mom questions Vistaril...."

CONCLUSION

Medical Services are listed in Hope's Service and Support Agreement. It states that Hope will provide parental notification and follow-up regarding injuries that require more than basic first aid, unless otherwise specified in this agreement. Nothing was specified. This

agreement was attached to the resident's service plan and was last reviewed and signed by the guardian on September 13, 2018, after the ankle incident and before the meeting on visitation and "[nursing] reporting to mom."

Under the MHDD Code,

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.... (405 ILCS 5/2-102a).

It appears the ankle injury was a strain and required nothing more than basic first aid, and, at the time, there were no specific directives for guardian notification otherwise listed in the newly reviewed service/support plan and agreement. A violation is not substantiated.

SUGGESTION:

The service plan and agreement should be modified if it was determined at the September 27 meeting that the guardian wants to be notified of all injuries, minor or major.