

Anti-Psychotic Medication: Court Upholds Need For Hospital's Strict Compliance With Legal Requirements Before Involuntary Administration.

The Appellate Court of Illinois recently overturned a lower court's order directing a hospital to administer Haldol and Risperdal to a patient involuntarily.

The patient was diagnosed with a psychotic disorder not otherwise specified. The patient remained in her room and refused to speak with the psychiatrist who wished to examine her. She refused to meet with other members of the inpatient treatment team and she refused to attend group. She also refused to give hospital staff permission to speak with her family.

The patient was diabetic. She refused to do finger sticks to check her blood glucose level. She also refused to take her prescribed Glucophage.

The psychiatrist's conclusion was the patient's mental illness, if not treated with anti-psychotic medication, left her too disorganized to care for her own personal and medical needs. She appeared to lack insight into her condition and lacked insight for the need to take her anti-psychotic medication. He said she would not likely be able to find shelter and would be at high medical risk if left to fend for herself.

Involuntary administration of anti-psychotic medication deprives the patient of her constitutional right to liberty.

The patient's rights must be balanced against society's need to provide care for those unable to care for themselves and to protect other citizens from the dangerously mentally ill.

The state must prove all of the law's requirements before a patient can be held involuntarily beyond a short-term emergency commitment and medicated against the patient's expressed wishes.

One of the law's requirements for involuntary medication is a psychiatrist's written report outlining the need for involuntary medication, having considered the efficacy and appropriateness of available alternative forms of therapy.

APPELLATE COURT OF ILLINOIS, 2000.

The Legal Standard

The Appellate Court ruled that when a citizen's right to liberty is being questioned the letter of the law must be read very strictly. Whoever is seeking to deprive a citizen of liberty has a difficult burden of proof, no matter how benevolent and well intentioned they may be.

The Patient's Choice

The Appellate Court acknowledged for the patient that the proposed combination of medications carried an almost certain risk of irreversible tardive dyskinesia. The court also noted for the patient that these medications, which she had taken in the past, gave her stomach pains and that was why she did not want to take them.

No Psychiatrist's Report

In this case the psychiatrist did not prepare a written report for the court hearing to continue involuntary commitment and begin involuntary medication. That was a significant error, the court ruled.

The psychiatrist's progress notes did not satisfy the legal requirement of a formal written report.

Patient Not Informed About Exam

The psychiatrist also erred by failing to tell the patient his exam was a step in the legal process for forced involuntary medication.

Not being informed and not knowing what was at stake may have been one reason the patient felt she could decline to speak with the psychiatrist. The court believed if she knew what was at stake she might have better protected her interests. **In re E. L., 736 N.E. 2d 1189 (Ill. App., 2000).**

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