

## Incapacitated Patient: Court Appoints Guardian To Uphold Patient's Best Interests.

The patient's wife wanted to move him out of a nursing home because the nursing home's physician prescribed anti-psychotic medication. This would have been the fifteenth time she had moved him for the same reason.

The nursing home contacted the state long-term care ombudsman's office. They had a local attorney file an application with the court to be appointed guardian.

---

***A guardian who will consent to him staying at the facility and receiving anti-psychotic medications is in the patient's best interests.***

***Without his medication he is combative and it is very difficult for caregiving staff to meet his basic needs.***

***With his medication his quality of life is significantly better.***

COURT OF APPEALS OF OHIO  
October 6, 2006

---

The court appointed a second attorney to represent the patient in the legal proceedings. The situation was fully investigated by the ombudsman's office. A second medical opinion, from a court-appointed psychiatrist, supported the need for anti-psychotic medications.

The state ombudsman's representative testified as a rule she usually advocated against anti-psychotics in favor of a drug-free least restrictive alternative, but this man's case was an exception. **Guardianship of Baker**, 2006 WL 2875822 (Ohio App., October 6, 2006).