

Schizophrenic Patient: Court Rules That Episodes Of Decompression Are Grounds To Continue Involuntary Mental Health Commitment.

The patient was forty-one years old. He suffered from bipolar disorder and schizophrenia. He had been hospitalized more than twenty times for his illnesses.

For more than two months he was living in a group home, taking his medications and getting along well with other residents and his caregivers. Then over a three-day period, for no apparent reason, he became angry and agitated. He went around kicking things and throwing his fists and he could not sleep.

He walked to a nearby store. While gone he missed his morning medications. That was uncharacteristic for him. He phoned the home and asked for a ride back but was told no one was free to come and get him. At this point he became very angry. He threatened to kill the caregiver he was speaking with on the phone, steal her car and drive to the city nearby.

She called the police. They went looking for him. They found him sitting in a restaurant and took him to the hospital. He was kept at the hospital on a short-term mental health hold while proceedings were started for a long term commitment and involuntary medication.

A nurse who had cared for the patient during four previous hospitalizations testified the patient was subject to bouts of decompression where he became highly impulsive and could strike out violently at others.

Ordinarily the patient was compliant with his meds and was quite pleasant and cooperative when his meds were working for him.

But there were times when internal metabolic variances in his medication levels and external stressors made him quite fragile, when he would sleep less, have highly disorganized thoughts and become irritable and impulsive.

The nurse testified he was in her opinion a danger to himself and probably to others. The court did not follow the nurse's recommendation he be sent back to the intermediate residential facility.

COURT OF APPEALS OF OREGON, 2001.

Threat of Violence As Grounds for Commitment

In general terms the law says there must be clear and convincing evidence the person poses a danger to self or others for involuntary mental-health commitment to be court-ordered.

The Court of Appeals of Oregon stated there is clear and convincing evidence of a danger to others when a mentally-ill person who has carried out at least one violent act in the past makes a present threat of violence.

On the other hand, if a mentally-ill person makes a present threat of violence but has never followed through and has never committed a violent act, the evidence is not clear and convincing of danger to others, the court pointed out.

Nurse's Testimony

A nurse who had cared for the patient in the past testified at the patient's commitment hearing. She said it was not his pattern to threaten violence and then follow through. Rather, it was his past pattern to act out and strike out impulsively when having a decompressive episode.

The court said that in itself was enough. He was mentally ill, he had acted out violently in the past and he had recently made threats of violence toward his caregiver in the group home.

The court did not believe it was appropriate to send him to an intermediate care facility where his medications could be closely monitored. For the time being he belonged in a psychiatric hospital. **State v. King, 34 P. 3d 739 (Or. App., 2001).**

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E. Kenneth Snyder, BSN, RN, JD
Editor/Publisher
PO Box 4592
Seattle, WA 98194-0592
Phone (206) 440-5860
Fax (206) 440-5862
kensnyder@nursinglaw.com
www.nursinglaw.com

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