

Law and Psychiatry
Professor: Stan Goldman
(Course 317)

Final Examination

16-year old PATTY PATIENT was "pink-papered" to Friendly Facility (FF) on Tuesday, April 3rd, by a psychiatric nurse mental health clinical specialist. Upon arriving at FF, Patty was examined and subsequently admitted by Dr. Ima Quack, a licensed psychologist. On April 6th, despite her oft-stated desire to leave, she was admitted as a conditional voluntary patient pursuant to the consent of her parents. On several occasions over the next few months Patty told her parents and FF staff that she wanted to leave. Finally, on Friday, December 22nd, Patty's parents informed FF that they wanted Patty to be discharged. On December 28th, FF filed a petition in the district court seeking Patty's commitment.

At the hearing, FF's counsel calls two witnesses:

- Dr. Sigmund Fiend, Patty's attending psychiatrist. Dr. Fiend testifies that, in his opinion, Patty suffers from bi-polar disorder and that she is quite moody, often upset with her parents, and unwilling to stick to her medication regimen. He states that her parents will be unable to insure that Patty complies with her treatment and that, as a result, she will at some point decompensate and be unable to care for herself. Dr. Fiend asserts that her failure to comply with her medication regimen will pose a substantial risk of physical harm to herself.

Dr. Fiend also testifies that in his opinion Patty is delusional, in that she believes that her father is the devil and that he had murdered her best friend. The basis of this opinion is an entry in the hospital record, as related by Patty's mother (see Mrs. Patient's testimony, below). Dr. Fiend asserts that, as a result of this delusional belief, Patty will pose a substantial risk of physical harm to Mr. Patient.

- Mrs. Penelope Patient, Patty's mother. Mrs. Patient testifies that she and Mr. Patient want Patty to come home, but that they are concerned for her well-being, and agree with Dr. Fiend that they will not be able to insure that Patty takes her meds. She testifies that when Patty is compliant with her medication regimen, she (Patty) is a "wonderful" girl, but when off her meds, she is "belligerent," "delusional" and "psychotic." Although Patty is an honor-roll student, Mrs. Patient states that she is afraid that Patty's grades will begin to suffer if Patty is untreated.

Mrs. P. also testifies that on April 2nd, Patty's sister, Pamela, had told Mrs. P. that Patty had confided in Pamela that she (Patty) believed that Mr. Patient was the devil and that he had murdered Patty's best friend. [It was this incident that prompted Mr. and Mrs. P. to contact the psych nurse, leading to Patty's initial admission on April 3rd.]

1. Please identify the issues that you would raise, and the arguments in support thereof (citing pertinent statutes, regulations and case law), in advocating for PATTY PATIENT'S interests in the commitment proceeding.

PATTY is now 25-years old and still at FF as a conditional voluntary client. She had been fully compliant with her antipsychotic medication regimen for about the last 5 years. About two months ago, however, her attending psychiatrist of about 4 years left the hospital and was replaced by Dr. Ipush Pills. Patty has consistently refused to speak with Dr. Pills, insisting that she (Patty) be assigned to a different psychiatrist. Shortly after the change in psychiatrists, FF changed its formulary and, as a result, Dr. Pill prescribed a different antipsychotic medication for Patty. When Dr. Pills attempted to explain the rationale for the change to her, Patty refused to listen and has adamantly rejected the medication ever since. On three occasions, Dr. Pills has instructed nursing staff to medicate Patty despite her refusal because, in his opinion, her behavior at the time was particularly annoying to other patients. Fearing that Patty's condition would deteriorate even further, FF has petitioned the probate court for authorization to administer her medication.

At the hearing, FF's counsel calls two witnesses:

- Dr. Pills, who testifies that, in his opinion, Patty is incompetent and that FF should be permitted to administer the necessary medication. He states that he doesn't know why Patty refuses to acknowledge that he is her psychiatrist and won't speak with him. He asserts that he is certain that Patty does not understand the importance of treatment with the prescribed medication and that her condition is deteriorating, as evidenced by the three recent incidents in which it was necessary to inject her with medication. He also testifies that he believes that it is quite likely that Patty still suffers from the delusion concerning her father.
- Patty's mother. In addition to the evidence adduced at the prior commitment hearing (see above), Mrs. Patient testifies that Patty simply adored her former psychiatrist – a mature, warm, caring woman who Patty came to trust implicitly after a few months. She states that the old medication seemed to “work wonders” and that she and her husband are very much in support of FF's petition if the newly-prescribed medication will be as effective. She states that Patty had told her that she (Patty) understands that antipsychotic medication is necessary and that it helps her (Patty), but that she (Patty) just doesn't trust Dr. Pills.

2. Please identify the issues that you would raise, and the arguments in support thereof (citing pertinent statutes, regulations and case law), in advocating for PATTY PATIENT'S interests in the guardianship proceeding.