

Dementia: Court Upholds Patient's Legal Right To Placement In An Appropriate Care Setting.

Dementia patients who need mental health treatment have the right to receive care in a mental health treatment setting rather than merely being placed in extended nursing care, according to a recent ruling of the US District Court for the Northern District of Iowa, relying on Federal statutes and court decisions.

The court also believed that state laws in Iowa say the same thing.

The Patient's Diagnosis and History

The patient's neurologist diagnosed him with dementia secondary to multiple etiologies and a mood disorder. The neurologist wrote a letter that the patient had disinhibited behavior and was abusive and aggressive, had poor potential for rehabilitation and was a danger to himself and others. The patient was taken into custody and admitted to an acute care hospital pending mental health proceedings.

He was ordered committed to a state mental health facility, but the facility refused to take him because the county refused to authorize payment. The acute care hospital kept him on the behavioral floor. The nursing staff believed he was too dangerous to go to a nursing home.

He actually went to the mental health facility pending a ruling by the court.

A patient with dementia is considered a disabled person who has the right to be free from discrimination.

Disability discrimination can take the form of unequal treatment of disabled persons whose care needs are greater than other disabled persons.

A disabled person who needs mental health care experiences discrimination by only being placed in extended nursing care.

Respect for the patient's constitutional right to liberty must continue after grounds have been established for involuntary mental health commitment.

While the patient is subject to commitment the patient's liberty includes the right to treatment and rehabilitation to insure the patient's personal safety and freedom from undue emphasis on restraint.

UNITED STATES DISTRICT COURT,
IOWA, 2000.

The Patient's Constitutional Rights

Sufficient grounds must be established before a patient can be held involuntarily. The patient must be a danger to himself or herself or to others, and it must be shown that a less restrictive placement will not meet the patient's needs.

Once a patient is being held involuntarily, the patient has the right to mental health treatment if his or her needs dictate it, the court ruled, rather than merely being kept in a custodial setting.

In a custodial setting the patient may well have to be restrained, while in a more structured mental health setting the patient would not be under personal restraint and would be able to participate in daily activities in a therapeutic milieu.

According to the court, the right to be free from undue restraint is a basic constitutional right that does not expire when a person is involuntarily committed with a mental health diagnosis.

The US Americans With Disabilities Act and the US Rehabilitation Act prohibit discrimination against disabled persons.

Some disabled persons have special needs that are greater and more costly to serve than other disabled persons. Those responsible for planning and authorizing payment for public and private healthcare services must honor their special needs, or disability discrimination occurs.

The court ruled it is discriminatory to meet the needs of dementia patients appropriate for extended care but not to meet the needs of those who need mental health treatment. ***Salcido v. Woodbury County***, 119 F. Supp. 2d 900 (N.D. Iowa, 2000).

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