

Scope Of Practice: Court Says Psychiatric Nurse Practitioner Can Testify As Expert For Involuntary Administration Of Medications.

The New York Supreme Court, Oneida County, has ruled that a psychiatric nurse practitioner's testimony can be recognized on the same footing as a medical doctor's testimony with reference to a court's decision to administer a psychiatric medication (lithium) involuntarily to a mental-health patient.

Involuntary Use of Psych Meds Requires Court Order

In general, psychiatric medications can be administered to a patient involuntarily only by court order. Even if the patient is being held involuntarily under court order, any decision to administer any medication must be specifically considered and ruled upon by the court.

The court is required to base its decision on competent expert medical testimony as to the patient's diagnosis and how the proposed use of a specific psych medication is narrowly tailored to meet the patient's needs and is in the patient's best interests. The court must also have expert testimony about possible side effects.

The psychiatric nurse practitioner in this case has a state license and a collaborative practice arrangement with a physician at the state hospital. She also has practiced in a private hospital and in a private psychiatric practice and has her own private psychiatric therapy practice.

She has a masters in nursing and a doctorate in holistic medicine.

The most important point for the court was that psychiatric nurse practitioners have authority to prescribe medications. By law they are considered competent to make the underlying diagnoses indicating specific medications.

This nurse practitioner, the court pointed out, was in daily contact with her patients at the state hospital and would be able closely to observe the therapeutic effects and/or adverse side effects of any medications which she was authorized to give. The court believed it would be highly appropriate for the court to make use of her expertise in rendering treatment decisions. **Matter of Mohawk Valley Psychiatric Center, 2004 WL 3048644 (N.Y. Super., December 28, 2004).**

Nursing Home Admissions: Court Says Adult Son Is A Proper Party To Sign On Resident's Behalf.

The Court of Appeals of Texas ruled recently that an adult son of an elderly Alzheimer's patient had full legal authority to sign the nursing-home admission documents on the patient's behalf.

That meant that the agreement to go to arbitration rather than file a civil lawsuit would trump the lawsuit the family had filed on the patient's behalf against the nursing home alleging sub-standard care, neglect and abuse.

Who Can Legally Sign For An Incapacitated Patient?

The important lesson from the case is that personnel who handle nursing home admissions should make themselves aware of their own state laws governing who can legally sign admission documents on a resident's behalf.

Sometimes the resident is not fully

State law expressly states that an adult child who has the consent of the other adult children can sign nursing home admission documents on behalf of an adult nursing home patient who is comatose, incapacitated or otherwise incapable of communication.

This rule applies to a contractual agreement to submit disputes to arbitration rather than suing in court.

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competent to sign legal contracts, but there has been no legal guardian appointed by a court.

The patient's spouse, if the spouse is not incapacitated, would have precedence over any of the adult children.

As in this case, state law will usually allow an adult child to sign binding legal contracts on behalf of the incapacitated resident if it appears at the time he or she is signing that the adult child is acting with the consent of all the other adult children.

Next in line would be another relative, friend or other person who had been given authority by the patient to act on the patient's behalf before the patient became incapacitated. ***In re Ledet, 2004 WL 2945699 (Tex. App., December 22, 2004).***