

Psych Meds: Court Discusses Criteria For Involuntary Administration.

Because a state-hospital patient verbalized a death threat toward a nurse, a court petition was filed to medicate him against his will with the anti-psychotic drug Risperdal.

The patient had been committed to the state hospital as a sexually violent predator and had been diagnosed as paranoid schizophrenic.

Disagreement with medical judgments that went into the care plan, in and of itself, is not grounds for a court to order a patient to be medicated involuntarily.

A patient is entitled to object to the possible side effects of a psych medication.

Only if the patient completely lacks insight into his or her illness and the need for treatment is the patient considered incompetent to make his or her own informed decisions.

CALIFORNIA COURT OF APPEAL

July 9, 2007

The California Court of Appeal found that this patient was in complete denial that he had a psychiatric condition and as a result of his denial refused even to consider treatment with medication.

A patient is entitled to disagree with caregivers' plans and to voice objections to the side effects of a particular medication, as long as there is a basic insight that he or she has a mental illness and needs treatment. ***People v. Simon***, 2007 WL 1966120 (Cal. App., July 9, 2007).