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Law Project for  
Psychiatric Rights, Inc.

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## **Alaska Supreme Court Strikes Down Forced Psychiatric Drugging Procedures**

In a resounding affirmation of personal liberty and freedom, the Alaska Supreme Court issued its long-awaited decision in *Myers v. Alaska Psychiatric Institute* today. The court found Alaska's forced psychiatric drugging regime to be unconstitutional when the state forces someone to take psychiatric medications without proving it to be in their best interests or when there are less restrictive alternatives.

Faith Myers, the appellant in the case, reacted to the decision saying, "It makes all of my suffering worthwhile."

Myers' attorney, Jim Gottstein, said "By requiring the least intrusive alternative to forced psychiatric drugging, this decision has the potential to change the face of current psychiatric practice, dramatically improving the lives of people who now find themselves at the wrong end of a hypodermic needle." While he acknowledged that some people find psychiatric drugs helpful, Gottstein said he pursued this case because, in addition to the drugs' serious physical health risks, he is concerned about the rights of those who find them both unhelpful and intolerable. He continued, "For people who want to try non-drug approaches, the research is very clear that many will have much better long-term outcomes, including complete recovery after being diagnosed with serious mental illness. This decision restores the rights of those people to pursue that potential."

The Alaska Supreme Court decision noted the trial court's concern that the statute did not allow the court to consider the problems with the drugs even though "a valid debate exists in the medical/psychiatric community as to the safety and effectiveness of the proposed treatment plan." With this decision, trial courts are now required to consider the safety and effectiveness of the drugs in deciding whether the proposed psychiatric drugging is in the patient's best interest.

The Court's Decision also makes specific mention that Alaska Statutes require the hospital to honor a patient's previously expressed desires regarding psychiatric medications.

The full decision can be found on the Internet at  
<http://psychrights.org/States/Alaska/CaseOne/MyersOpinion.pdf>.

Detailed background about The Law Project for Psychiatric Rights, a non-profit organization, is available on the PsychRights web site: <http://psychrights.org/>.

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