

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

In the Matter of the)
Necessity for the)
Hospitalization of:)

ROSLYN WETHERHORN,)
Respondent.)
_____)

Case No. 3AN-05-00459 P/S

FINDINGS AND
ORDER CONCERNING COURT-ORDERED
ADMINISTRATION OF MEDICATION

FINDINGS

A petition for court approval of administration of psychotropic medication was filed on APRIL 15, 2005.

Respondent was committed on APRIL 15, 2005 for a period of time not to exceed 30 days.

A hearing was held on APRIL 15, 2005, to inquire into respondent's capacity to give or withhold informed consent to the use of psychotropic medication.

Having considered the allegations of the petition, the evidence presented and the arguments of counsel, the court finds:

 A. The respondent has the capacity to give informed consent concerning administration of psychotropic medication for purposes of AS 47.30.836 as respondent is not found by clear and convincing evidence to be incompetent to make mental health and/or medical decisions.

XXXX B. By clear and convincing evidence that the respondent is not competent to provide informed consent concerning administration of psychotropic medication and the treating facility's proposed use of psychotropic medication is approved for the respondent's present commitment.

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2. The facts which support the above conclusion are:

Clear and convincing evidence the respondent is unable to give or withhold informed consent concerning antipsychotic medication including Dr. Kiele's testimony that he discussed medications with Ms. Wetherhorn but Ms. Wetherhorn sometimes refuses medications and is inconsistent. Ms. Wetherhorn stated that "I don't like your drugs." The doctor testified that Ms. Wetherhorn has "very limited capacity to comprehend the medication decision and she has not been in a condition where [the doctor] could really discuss those [side-effects]. The doctor said that Ms. Wetherhorn is either agitated or sleeping. The respondent lacks insight concerning her illness and need for medication.

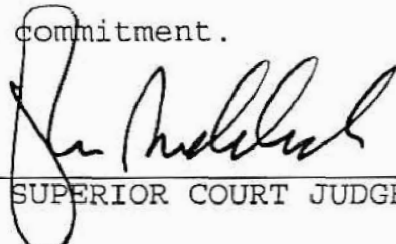
ORDER

_____ Therefore, the court having determined that the patient is competent to provide informed consent, it is ordered that the treating facility shall honor respondent's decision about administration of psychotropic medication.

XXXX Therefore, it is ordered that the treating facility's proposed use of psychotropic medication to treat the respondent is approved for the period of the respondent's current commitment.

If the treating facility wishes to continue the use of psychotropic medication without respondent's consent during a period of commitment that occurs after the present commitment period, it shall file a request to continue the medication when it files the petition to continue patient's commitment.

April 27, 2005
DATE
Nunc pro tunc 04/15/05



SUPERIOR COURT JUDGE

FINDINGS AND ORDER
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Recommended for approval on
4/26/09, 2009.
[Signature]
SUPERIOR COURT MASTER

I certify that on 5-3-05
a copy of this order was sent to:

respondent ✓
respondent's attorney ✓
attorney general ✓
treatment facility ✓

Clerk: N