

Subcommittee on Involuntary Commitments and the Involuntary  
Administration of Psychotropic Medications  
1-8-09

Present:

Judge Peter Michalski – Co-Chair  
James Gottstein  
Linda Beecher  
Elizabeth Brennan  
Beth Russo  
Stacie Kraly  
Doug Wooliver – subcommittee staff

Meeting convened at 2:40 p.m.

Judge Michalski and Master Dugan provided an overview of the steps they have taken to improve the involuntary psychotropic drug hearing process. Master Duggan now uses a template to type his findings and recommendations, which is distributed to the parties the day after the hearing. If an objection is voiced at the hearing, there is a hold on the recommendation.

This process has been in place for approximately 15 to 18 hearings and appears to be working well. In one case an objection was received after the superior court had issued the order and that objection was treated as a motion for reconsideration.

Judge Michalski noted that API is in the process of renovating the room where the hearings take place. The committee discussed whether the area being improved will be adequate. Liz Brennan said that there is little privacy in that area and that when it was used in the past it was a “zoo.” Judge Michalski responded that some of the problems were patient management issues that API will have to address.

Jim Gottstein observed that, because of the hearing room’s proximity to residents in the facility, the privacy rights of those residents can be compromised in those cases when members of the public attend hearings.

Linda Beecher and Liz Brennan were asked for an update on their project to put together a list of items to discuss that were unrelated to the Wayne B. case. They had not yet had time to work on that effort and hoped to have something ready for the next meeting.

The recently amended Civil Rule 53(d) was distributed and briefly discussed.

Jim Gottstein asked if there was an update on Judge Christen’s inquiry regarding the use of the Providence Psychiatric E.R. services for evaluations. Because Judge Christen was out sick, there was no update.

Master Duggan said that the statute calls for the court visitor to obtain and report on an evaluation. Although the hospital can do these, Liz Brennan said that the evaluation should be by a neutral party and the hospital was not neutral.

Jim Gottstein asked whether a neutral party could be appointed by the court. Judge Michalski observed that such a plan might be workable, or might not. He suggested that the initial evaluation might not have to be done by a doctor.

Stacie Kraly said that in Juneau, the court visitor does the evaluation. The Juneau visitors are usually social workers or those with a strong social work background. In response to a question from Master Duggan, Ms. Kraly said that she would find out what kind of evaluation tool they use.

Jim Gottstein stated that the current practice does not take the evaluation component seriously enough.

Master Duggan said that he envisions an MMPI with a template for a capacity assessment instrument and an objective test. The committee discussed the validity of the MMPI and tests in general. Judge Michalski said that the test should always be just a part of the evaluation process and not determinative by itself.

Jim Gottstein noted that evaluations for capacity should be specific for the involuntary administration of psychotropic medications. He said that such evaluation tools are available.

Stacie Kraly said that she would ask her counterparts around the country what assessment tools they use.

The meeting adjourned at approximately 3:30 p.m.

The next meeting is scheduled for February 5<sup>th</sup>, from 2:30 to 4:30 in the Prow Conference Room.