

PROBATE COURT OF FRANKLIN COUNTY, OHIO
Judge Robert G. Montgomery

IN THE MATTER OF:

Case No. MI -

Alleged Mentally Ill

Date: _____

HEARING ON CONTESTED MATTERS
MEDICATION / MEDICAL PROCEDURE

[R.C. 2101.24(A)(1)(u) and R.C. 5122.271]

Initial Application

Prior Order Review

REPORT OF MAGISTRATE

HEARING NOTES

Attorney for Respondent ("R") _____

Attorney for Franklin Co _____ ADAMH Board ODMH
 Mental Health Recovery Services Board other _____

Court Reporter _____ Interpreter _____

Independent expert _____ Guardian _____

R present yes no Presence waived by R's counsel

Attorney for R discuss hearing and rights with R yes no

Hospital physician _____ Qualifications stipulated
 Testimony as to qualifications
 Authenticity and admissibility of medical records stipulated Reserving right to object

Testimony based upon a reasonable degree of medical reliability yes no

Treating physician yes no Since _____

Capacity to make informed consent decision re: treatment ("Tx") yes no Insight yes no

Medication ("Rx") offered yes no refused yes no completely not completely

Tx regimen per application supported by testimony yes no amended

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

Case No. MI-_____

Nature/risk of side effects per application supported by testimony yes no

Benefits of prescribed Rx outweigh risk of side effects yes no

Any less intrusive Tx available yes no

Expected results w/ prescribed Tx _____

Expected results w/o prescribed Tx _____

Requesting authority to obtain prior medical records yes no _____

Additional notes regarding hospital physician direct examination testimony

Hospital physician cross examined yes no _____

Court physician _____

Qualifications stipulated

Testimony as to qualifications

Interview R yes no When _____

Read application yes no Hear testimony of hospital physician yes no

Capacity to make informed consent decision yes no Insight yes no

Concur w/ opinion of hospital physician re: Tx and Rx yes no _____

Concur w/ opinion of hospital physician re: side effects yes no _____

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

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Benefits of prescribed Rx outweigh risk of side effects yes no

Any other less intrusive Tx available yes no

Concur w/ opinion of hospital physician re: expected results w/ prescribed Tx yes no

Concur w/ opinion of hospital physician re: expected results w/o prescribed Tx yes no

Additional notes regarding court physician direct examination testimony _____

Court physician cross examined yes no _____

R testify yes no _____

Any other witness(es) yes no

Additional notes: _____

Motion for continuance R's attorney ADAMH/MHR SB/ODMH attorney Court

Basis independent expert independent counsel other

objection yes no ADAMH/MHR SB/ODMH attorney R's attorney

Basis _____

Sustained Overruled Basis _____

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

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FINDINGS OF FACT

Respondent's county of residence _____

The evidence is is not clear and convincing as to all of the following:

Respondent is is not a mentally ill person who would benefit from the proposed treatment and medication.

Respondent is unable able to process information regarding the need for and benefit of the proposed medication and treatment in relation to the potential risk of side effects in order to make an informed consent decision regarding the taking of the proposed medication.

Respondent therefore does does not lack the capacity to make an informed consent decision regarding the taking of the proposed medication.

The benefits of the proposed medication do do not outweigh the risk of potential side effects of such medication.

There is is not a less intrusive treatment regimen for Respondent other than the proposed treatment and medication

The application is is not amended to include delete the following provisions:

medication _____ authorization to conduct lab work

other _____

The hospital requests authority to obtain medical records regarding Respondent from other health care providers

Other findings of fact _____

CONCLUSIONS OF LAW

Respondent is is not subject to medication and treatment per the terms of the application
 as amended to include delete _____

The hospital should be authorized to obtain medical records regarding Respondent from other health care providers.

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

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other conclusions of law _____

RECOMMENDATIONS

The Magistrate recommends that:

The hospital be not be authorized to treat and medicate Respondent in accordance with the terms of the application as amended.

- for n/a days or not to exceed the current commitment, whichever is shorter
- for _____ days or not to exceed the current commitment, whichever is shorter

The hospital be not be authorized to obtain medical records regarding Respondent from other health care providers.

The hearing be continued to _____ . 201 ____ for the following reason(s)

- obtain independent expert obtain independent counsel
- other _____

Other recommendations _____

_____ Date

_____ Magistrate