

PROBATE COURT OF FRANKLIN COUNTY, OHIO
Judge Jeffrey D. Mackey

IN THE MATTER OF:

Case No. MI - _____

Mentally Ill

Date: _____

HEARING ON CONTESTED MATTERS
MEDICATION / MEDICAL PROCEDURE

[R.C. 2101.24(A)(1)(t); R.C. 5122.271;

Steele v. Hamilton Cty. Community Mental Health Board, 2000-Ohio-47]

Initial Application

Prior Order Review

DECISION 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
 Stipulated that hospital physician may testify based upon review of current medical records

Treating physician Since _____ Treat previously yes no unknown

Testifying for treating physician _____ who is unavailable to testify
due to _____

Collaborating physician for _____ nurse practitioner

Discuss medication ("Rx") benefits & risks yes no _____

Based on education, training, experience, review of medical records, and all information available regarding R, able to reach an opinion to a reasonable degree of medical certainty regarding R's capacity to make an informed consent decision regarding R's care and treatment? yes no

Capacity? yes no Insight yes no basis of opinion _____

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

Case No. MI-_____

Medication offered yes no refused yes no completely not completely

Treatment ("Tx") regimen per application supported by testimony yes no amended

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

Is proposed Tx in the best interests of R yes no

Expected results w/ prescribed Tx _____

Expected results w/o prescribed Tx _____

Requesting authority to: obtain prior medical records; obtain collateral information from family members without disclosing HIPAA protected information

Objection: yes no Basis: _____

Sustained Overruled Basis _____

Motion by to amend application by ADAMH/MHR SB/ODMH attorney R's attorney Court
to add delete medication lab work other _____

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

Basis _____

Sustained Overruled Basis _____

Additional notes regarding hospital physician direct examination testimony _____

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

Case No. MI-_____

Hospital physician cross examined yes no _____

Court physician _____ Qualifications stipulated
 Authenticity and admissibility of medical records stipulated
 Stipulated that court physician may testify based upon review of current medical records

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 _____

Benefits of prescribed Rx outweigh risk of side effects yes no

Any other less intrusive Tx available yes no

Is proposed Tx in the best interests of R 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 _____

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

Case No. MI-_____

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 _____

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

MEDICATION / MEDICAL PROCEDURE HEARING

Respondent _____

Case No. MI-_____

other _____

The hospital requests authority to: obtain prior medical records; obtain collateral information from family members without disclosing HIPAA protected information

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 prior medical records; obtain collateral information from family members without disclosing HIPAA protected information

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 prior medical records; obtain collateral information from family members without disclosing HIPAA protected information

The hearing be continued to _____, 20 ____ for the following reason(s)

- obtain independent expert obtain independent counsel

other _____

Other recommendations _____

Date

Magistrate