

BATES V. DHHS
CONSENT DECREE PARAGRAPH 27
BI-ANNUAL REPORT: GRIEVANCE FILINGS
JULY 1, 2009 – DECEMBER 31, 2009

As a component of the Bates vs. DHHS Consent Decree Settlement Agreement, DHHS Office of Adult Mental Health Services (OAMHS) is required to report on the numbers of grievances filed within the adult mental health system semi-annually. This report summarizes the Level 2 and Level 3 Grievances filed from July 1, 2010 – December 31, 2010.

Paragraph 27 of the Settlement Agreement states: “Defendants shall prepare semi-annual reports of all complaints and of all grievances appealed to the Superintendent of AMHI (Riverview), the Director of the Bureau of Mental Health (Office of Adult Mental Health Services) and the Commissioner. Said report shall summarize the issues raised and, findings made and remedial actions taken, and shall be submitted to the master, counsel for the plaintiffs and the Office of Advocacy.”

Level 2 Grievances: Community

None reported

Level 2 Grievances: Riverview Psychiatric Center

Allegation: The concern is that members of a Nazi party are working at a state hospital and may jeopardize his safety and feeling of security. The grievant came to this knowledge through his interaction with a staff person when the staff person was conducting Christmas Carols in the Old Auditorium on December 20th. That the staff person gave him the middle finger.

Finding: Not substantiated

Response: Patient informed that staff at DDPC will do all that they can to ensure patient’s safety and security; and that staff person thought that he used his index finger when pointing to the sheet music and meant no disrespect.

Allegation: Case manager was notified of the patient's District Court Hearing without the patient's permission. M.R.S.A. 34-B § 3864(3)(A) provides that on receipt of an application for involuntary commitment, “the court shall cause written notice of the application and date of hearing:

1. To be mailed within 2 days of filing to the person; and
2. To be mailed to the person’s guardian, if known, and to the person’s spouse, parent, or one of the person’s adult children or, if none of these persons exist or if none of those person’s can be located, to one of the person’s next of kin or a friend.” The case manager is not any of the above.

Finding: Substantiated -- Agreed with the conclusion of the appeal and find that caseworkers do not fall within the definition of "friend" of the statute M.R.S.A. 34-B § 3864(3)(A).

Response: Staff are to be instructed to follow the wording of MH-108 in mailing the notice of District Court application for involuntary commitment to a mental hospital to the “Patient’s

spouse, parent, adult child, next of kin, or friend” and to no other person unless approved by the patient.

Level 2 Grievances: Dorothea Dix Psychiatric Center

Allegation: Client alleges that staff person "has been constant instigator", "says things to rile client up" and is "rude and tries to be intimidating". Client alleges that when another client grabbed another cup of coffee that staff assaulted that client and himself.

Finding: Referred to Human Resources for review and action.

Response: Superintendent informed client that the matters will be investigated and reported to the appropriate agencies.

Allegation: Client feels that a female client is being favored by staff. Says that he has to share MP3 players while the female doesn't.

Finding: Substantiated in Part. There has been a shortage of MP3 players as some have been broken and are out for repair. The female client does have one assigned and others will also when we get the repaired MP3 players back.

Response: I explained that I'm trying to have individual players assigned to each client for the duration of their stay so they can have music loaded that they favor. Client was in agreement.

Allegation: Client alleged that another client was "charged" and restrained another client and pinned client to desk and wrapped an arm around the client's neck. When another client tried to intervene the staff person "backhanded" that client on the side of his head. Client alleges that the security guard did not help.

Finding: Referred to Human Resources for review and action.

Response: Superintendent will have the matter investigated and report the incident to the appropriate agencies.

Allegation: Client alleges that a staff person punched him in the head.

Finding: Referred to Human Resources for review and action.

Response: Superintendent will have the matter investigated and report mistreatment to the appropriate licensing agencies.