

SAN MATEO COUNTY
MENTAL HEALTH SERVICES DIVISION

DATE: July 7, 1989

MENTAL HEALTH POLICY: 89 – Reise Case

SUBJECT: Reise Case – Patient Right to Refuse Medication

AUTHORITY:

SUPERSEDES:

POLICY

The Riese decision has held that “absent a judicial determination of incompetence, antipsychotic drugs may not be administered to involuntarily committed mental patients in non-emergency situations without their informed consent.”

Antipsychotic medications may be administered if an emergency situation exists. An emergency situation exists when there is either: (1) a clear and present danger to self, or (2) a clear and present danger to others. Such medication may be continued until it is determined the patient is no longer an immediate danger to self or others. Repeated attempts to obtain patient’s consent for medication should be made.

Statistics should be kept on each unit on the numbers of patients refusing medications. The voluntary consent for medication form should be signed after extensive counseling by the physician. When the patient refuses to sign the consent form but agrees to take his/her medication, the clinical staff shall so note in the chart.

If medication is given in an emergency situation, the patient should be immediately scheduled for the next possible competency hearing.

Approved: _____
Gale Bataille, Director
Mental Health Services Division