

Ostmo

December 14, 2009

JUDICIAL PROCESS COMMITTEE

Testimony of Terryl Ostmo, Wahpeton, ND  
Chairman, PAIMI Advisory Council

Re: Emergency Civil Commitment Procedures

Chairman Meyer and Members of the Committee, my name is Terryl Ostmo. I am chairman of the PAIMI Advisory Council. PAIMI is the acronym for Protection and Advocacy of Individuals with Mental Illness. The Council is composed of family members, consumers, service providers, and professionals. During the last legislative session, I testified on behalf of the PAIMI Advisory Council against Senate Bill No. 2421. If it had passed as it was introduced, this bill would have changed the law regarding emergency detentions in ways that would have drastically violated the due process rights and liberty of individuals.

The current requirement that a petition be filed within 24 hours of detention is vital in order to safeguard individual rights. Any other timeline for filing the petition is an invitation to abuse. This concept was firmly established when back in the 70's, the Supreme Court recognized that involuntary commitment is a massive curtailment of liberty.

Furthermore, for what is supposedly an emergency, there is no justification for detaining an individual without an examination within 24 hours. Any other timeline contradicts the premise that this is indeed an emergency.

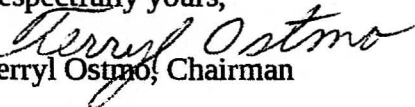
If passed, SB 2421 would have allowed 96 hours before a person is examined. And even longer, more than a week, without a petition being filed. This bill would in no way benefit a person who was detained. But it would have accomplished two very unsavory things. The facility would have had a group of patients it wouldn't be required to do exams on or file petitions on. The facility would be a sort of 'holding pen' until it could dump people on the state hospital. And at what price? What should a facility be allowed to charge for warehousing human beings?

I have personal experience of what it is like to be accused of mental illness and be locked up. It was devastating. It nearly destroyed my life. In 1997 I was locked up in two hospitals for seven days and never given a court hearing. No petition was ever filed in any court. (A discovery I made several years later after I went to the courthouse myself.) I sued MeritCare and won. That lawsuit truly saved me. I can only imagine the suffering of other people who have had to live with similar experience. It is a pain like no other to have all your rights stripped away.

We all know instances where those who purport to do good, sometimes inflict a great deal of harm. Petitioners have a variety of motives, and they are definitely not always pure. Psychiatry is particularly and historically heir to abuses of many kinds. And in this situation, medical ethics would seem to dictate that a physician, psychiatrist, or mental health professional protect patients' rights by both an examination and release of the patient, or if appropriate, the filing of a petition within 24 hours. The PAIMI Advisory Council opposes any changes to the commitment statutes that infringe upon these two vital safeguards.

Thank you for your consideration.

Respectfully yours,

  
Terryl Ostmo, Chairman

PAIMI Advisory Council