



DISABILITY RIGHTS OREGON

December 29, 2008

Todd Giffen  
Oregon State Hospital  
2600 Center St. NE 48B  
Salem, OR 97301

Re: Involuntary Medication Hearing

Dear Mr. Giffen,

On December 16, 2008, you had a hearing in front of an administrative law judge to determine if your doctor would be able to administer medication to you without your permission. At this hearing, you represented yourself, though I was summarized your position at the end of the hearing. In this hearing, the judge evaluated whether you had "capacity" to make your own treatment decisions. Unfortunately, the judge decided that you were not able to understand and weigh the risks and benefits of the proposed treatment, so she issued a Proposed Order giving the hospital the permission to give you medication against your will. The Office of Administrative Hearings will mail you a copy of the judge's decision, but your treatment team can also provide you with a copy of it. If you have difficulty obtaining a copy of the judge's decision, please let me know. The hospital accepted the judge's recommendation and issued a Final Order on December 22, 2008.

The hospital's order to give you medication without your consent will be valid for 180 days, or the duration of your commitment if that is shorter. After 180 days, if your doctor still feels that you are not able to provide informed consent to treatment, you will be reevaluated by an outside consulting doctor. You will also be eligible for another hearing at that time. When you are being given medication without your consent, medical staff must assess your ability to consent to treatment every thirty (30) days. If staff believes that there has been a significant change in your level of capacity, medical staff must conduct an evaluation before the 180 days have passed. Specifically, if staff believes that there has been a substantial improvement in your capacity to consent to treatment, the hospital is required to conduct a formal reassessment of your capacity. If you believe that your ability to weigh the risks and benefits of the treatment that your doctor recommends has changed substantially, you should discuss this with your treatment team. Finally, if there is a substantial increase in risk to taking the medication that was not known when you had your hearing, you may be eligible for a new hearing.

I encourage you to continue discussing your concerns about treatment and symptoms you might be experiencing with your doctor and treatment team. Though the hospital has obtained an order to medicate you against your will, the staff is still required to talk to you about your treatment. If

Re: OSH Staff behaving badly (prepared June 10th, 2008)Friday, June 13,  
2008 8:41 AM

From Robert E NIKKEL Fri Jun 13 08:41:11 2008

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References: <460036.82902.qm@web39102.mail.mud.yahoo.com>

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From: "Robert E NIKKEL" <Robert.E.Nikkel@state.or.us> Add sender to  
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Subject: Re: OSH Staff behaving badly (prepared June 10th, 2008)

To: "G., Todd" <wisegamer@yahoo.com>, "GOLDBERG, Bruce"  
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Mr. Giffen, I read your document last evening and will be sending it to the  
Office of Investigations and Training this morning. I am a mandatory  
reporter and you have made numerous allegations that require investigation  
by OIT. I realize that some of what you've written has already been

investigated but there are new items (at least from what I can determine) that need OIT's attention.

Bob Nikkel, MSW  
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