

The below should give you a basic idea of the legal action(s) I am seeking. I have included a good deal of facts and information regarding these matters but, please call me back and consult with me or ask any questions as I am still somewhat un-knowledgeable of the broad range of legal possibilities at hand. Perhaps through a combined effort, we can narrow my claims. My family and I have tried to contact the hospital, D.H.S and other entities but, they do not reply and so far I have received no support.

I'm looking to sue the Oregon State Hospital, D.H.S., the P.S.R.B. and/or liable entities. My main claim against O.S.H. is that I have been a victim of medical malpractice, and a violation of rights. I have also been a victim of abuse and neglect while in the hospital, ranging from: sexual related issues, slander, defamation, falsely accused of crimes and untrue things as well as being mentally and physically abused on multiple occasions. It is due to the nature of these violations that I have experienced that I am still in the hospital. Some specific legal references include:

- Right to make treatment decisions, OAR 309-114-0010 through OAR 309-114-0025, an example being that I have been prescribed a certain medication against my will by O.S.H. staff; they do not have the right to do this.
- Patients rights in the State Hospital & patient constitutional and statutory rights. (summary), ORS 426.385
- Fitness to proceed under Oregon state law, ORS 161.360
- Youngberg V. Romeo, U.S. 307 (1982) - A person in a state hospital has a right to an up-to-date treatment plan and treatment that is consistent with professional standards and provided in a safe and humane environment. At a minimum, a person has a right to not be the subject of psychiatric malpractice and to receive treatment that gives them a realistic opportunity to be cured or improve a persons mental condition.

I wanted to clarify that the hospital misdiagnosed me, gave me harmful and unneeded treatment and refused to acknowledge it or fix it. They continued to deny me proper treatment as well as treatment for this disorder (ADHD-pi). This disorder can make life very hard to live and participate in. ADHD-pi affects me in several major areas: imagine not being able to activate or sustain your attention and energy towards tasks and activities, being chronically lethargic surrounding even simple things such as talking and writing, not being able to put the needed work and time into what you do - and that no matter how hard you try, you can't organize things without careless mistakes and leaving things out. One area I am especially affected by ADHD-pi is communication. In explaining this: Think of communication as a task and the problem involved with ADHD-pi is trying to keep your mind on the information involved with the idea/task and as a result of ADHD-pi, I am unable to focus on the goal long enough and with complete focus, to communicate the right details and get the point across (as well as organizing and sustaining the goal long enough to continue communication). The hospital has become extremely hostile and aggressive over these issues to the point where they deny me treatment and they won't provide me with the treatment or services I need. It's on such a wide scale that this behavior comes from even the superintendent, directors at DHS, and outside advocacy groups. They have intentionally overlooked and ignored my situation and look the other way because they are all somehow involved or liable and any change would show evidence of past wrong doing and overall invalidate themselves. The hospital and related individuals keep getting more and more aggressive and hostile in their disregard for my rights and the law, they also make jokes about how I will never find an attorney to take my case and how they "have nothing to worry about."

The hospital was recently investigated by the Department of Justice and was found to have many infractions regarding the rights of the patients. D.O.J. has threatened to sue (in 2006-08) and have determined that the hospital violated the constitutional rights of the patient. In 2008, D.O.J. released a report and threatened to sue if changes weren't made. A lot of the things in this report can be related to things I have personally experienced including: misdiagnosis, not providing treatment, staff misconduct, and the hospital not tracking abuse claims or doing what they should be doing.

The Statesman Journal (the Salem paper) had a story with related details to my case including the December 9th 2007 issue concerning hospital security, patients receiving contraband and Bonnie Tucker's romance relationship with another patient (David Anderson).

So, for details, I'm not sure I know what you need... I'll just start with the basics and then you can ask questions to get the most relevant details.

I'm here in the state hospital under the PSRB, and am looking to sue the hospital, PSRB, DHS, and/or liable entities. My main claim against OSH is that I've been a victim of medical malpractice, and that is also the reason I'm currently residing in the hospital. Other claims are that I've been the victim of severe abuse and neglect of various sorts in the state hospital, ranging from sexual related things, slander, defamation of character, falsely accused of crimes and untire things, and being physically, mentally, and emotionally abused.

I'd like to first start off by giving some important resouces for information about the hospital and incidents I reference.

1. The hospital was investigated by the U.S. Department of Justice in 2006-2007, and they determined that the hospital violated the constitutional rights of its' patients, and in 2008 threatened to sue if changes weren't made. A lot of the things related to abuse and neglect of sorts, failure of staff to perform, misdiagnosis, and many other things apply well to things I've personally experienced.
2. The Statesman Journal (Salem newspaper) had a story with some related details to my case, including the December 9th 2007 Sunday article that talked about hospital security, patients escaping, contraband, and specifically Bonita Tucker (staff) and David Anderson (patient) and their romantic relationship.

Malpractice: I believe my claim to malpractice is as follows:

In 2004 I was arrested and charged with Menacing and Harassment, and sent to OSH under 161.370 for evaluation. I wasn't in the mental health system prior to this, but I had prior diagnosis of ADHD and depression as a child. In OSH, the doctors prescribed a dangerous and very high risk medication called Zyprexa, which is used to treat Bipolar disorder and Schizophrenia, even though I had neither diagnosis and had no symptoms warranting it. They had records from childhood regarding my diagnosis of ADHD, and depression, and even did testing of their own that concluded I had a severe learning and cognitive disorder, and that I might have even had brain damage/injury. I had severe impairment in attention, immediate memory, and delayed memory (all related to the "working" part of your mind or memory), as well as impairment in productive language and memory. Even though they had all this, they didn't provide proper treatment and sent me back to court with this problem. My attorney realized not much was different, and said I sounded the same as I was in jail, "catatonic". Fortunately, I wasn't catatonic in jail, and had never had any psychotic symptoms of the like. Instead, I just had extreme inattention, that made it very hard to talk and communicate. This disorder specifcally is called Attention Deficit Hyperactivity Disorder Predominately Inattentive Type. People with the disorder appear mellow, quiet and withdrawn, lethargic, and they never get anything done. Imagine not being able to activate and sustain your mind (attention) to do things

11/6/07

Michelle McGraw-Hunter:

It's been awhile since I last talked to you. I'm currently on ward 50-C and have been here since early October. When I arrived on this ward, I spoke with the Unit Director, Eugene Jablonski, and the IDT about returning to 35A. They indicated that was a possible goal within 2 months. Gene had also said he had e-mail correspondence with you about that - and you indicated you'd be willing to have me back there if I didn't have any problems for 30 days. I've fell through with that and am looking into how to get everyone else to follow through on their part, getting on the transfer list and back over there I spoke with Gene last week about this, and he said I needed privileges first, but they're not doing anything about that yet. I need to get my care monitor to initiate the process, but I don't have one assigned. I figured I'd at least write to you and let you know I was still very interested in coming back to 35A, and that it was my preference. Other residents are still very supportive of me returning and let me know about an opening coming up in 3-4 weeks - I guess Mr. O'Kelly is on his way out. I'd very much like to be considered for that opening, and all others coming up, it all fits with the time frames I was given as well.

Thanks,

Todd Giffen

(I'm still working on the CM/privilege thing, hopefully I can get somewhere soon)