

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

Return-Path: <robert.e.nikkel@state.or.us>

Authentication-Results: mta640.mail.mud.yahoo.com from=state.or.us;
domainkeys=neutral (no sig)

Received: from 159.121.88.21 (HELO lion.state.or.us) (159.121.88.21) by
mta640.mail.mud.yahoo.com with SMTP; Fri, 13 Jun 2008 08:41:30 -0700

Return-Path: <Robert.E.Nikkel@state.or.us>

Received: from emfserver2 ([159.121.109.23] [159.121.109.23]) by
lion.state.or.us with ESMTP for wisegamer@yahoo.com; Fri, 13 Jun 2008
08:41:26 -0700

Received: from [170.104.25.104] by emfserver2 with ESMTP
(Tumbleweed Email Firewall SMTP Relay (Email Firewall v6.3.1)); Fri, 13
Jun 2008 08:44:59 -0700

Received: from DHS-GWIA-MTA by STATE.OR.US with
Novell_GroupWise; Fri, 13 Jun 2008 08:41:18 +0000

MIME-Version: 1.0

Date: Fri, 13 Jun 2008 08:41:11 -0700

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

Message-Id:

<20080613T084111Z_C5EF00130000@DHS.STATE.OR.US>

From: "Robert E NIKKEL" <Robert.E.Nikkel@state.or.us> Add sender to
Contacts

Subject: Re: OSH Staff behaving badly (prepared June 10th, 2008)

To: "G., Todd" <wisegamer@yahoo.com>, "GOLDBERG, Bruce"
<Bruce.Goldberg@state.or.us>, "KUTAS, Eva" <Eva.Kutas@state.or.us>,
"NEWTON, William" <William.Newton@state.or.us>, "NOMURA, Eric"
<Eric.Nomura@state.or.us>, "STALLARD, Edward J"
<Edward.J.Stallard@state.or.us>

Content-Type: multipart/alternative;

boundary=____MTTPMKEFVLLZRKVMJSVX____

Content-Length: 109172

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
Assistant Director, DHS
Addictions and Mental Health Division (AMH)
500 Summer St NE, E-86
Salem, OR 97301-1118
503-945-9704
fax: 503-373-7327

THEODORE R. KULONGOSKI
GOVERNOR



June 25, 2008

Todd Giffen
Oregon State Hospital, Ward 48B
2600 Center Street NE
Salem, OR 97301-2682

Dear Mr. Giffen:

Thank you for contacting the Governor's office regarding your complaints involving Oregon State Hospital (OSH) staff.

The Governor's office asked OSH management to look into your allegations and provide us with the results of their review. We received a copy of the letter sent to you by Superintendent Roy Orr after the Office of Investigations and Training completed its review of your complaints. We support the final decision outlined in that letter.

We understand the difficulty of your situation and encourage you to continue working with OSH staff to address future concerns. We wish you the best.

Sincerely,

Elizabeth A. Kiren
Citizens' Representative

c: Penney Ryan, Office of the Governor
Governor's Advocacy Office, Department of Human Services



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Director's Office

Office of Investigations and Training

2575 Bittern Street NE

PO Box 14250

Salem, OR 97309-0740

503-945-9495

Fax 503-945-9893

TTY Relay 800-735-2900

August 22, 2008

Todd Giffen, Ward 48B
Oregon State Hospital

RE: OSH07045; OSH06030; OSH08027

Dear Mr. Giffen,

Enclosed are the conclusions for two of the reports which you requested of investigations completed by our office (OSH07047 & OSH06030). Much of the information in the original reports is confidential and protected under State and Federal law. It has been redacted (removed) in order not to reveal personal health information as well as the identities of the alleged victim, those who made reports or were witnesses. The enclosed documents are public records and may be shared with anyone. The redacted report for OSH08027 will be sent to you upon completion.

Regarding your request for other cases involving Jeff Birkholz, there are no other cases where you are the alleged victim.

Please contact me if you have any questions. Our office number is 503-945-9495.

Sincerely,


Eva Kutas, Director

EK:m

OSH06030/OSH07047 #06

Attachments





Oregon

Theodore R. Kulongoski, Governor

Psychiatric Security Review Board

620 SW Fifth, Suite 907

Portland, OR 97204

(503) 229-5596

FAX (503) 229-5085

E-mail psrb@OregonVOS.net

August 15, 2008

Todd Michael Giffen, OSH #70380
Oregon State Hospital
2600 Center St NE
Salem, Oregon 97301-2682

Dear Mr. Giffen:

Based on a request for a hearing submitted on your behalf by David DenHartigh, attorney at law, a hearing has been scheduled for you to appear before the Psychiatric Security Review Board. However, Mr. DenHartigh has advised the Board that he no longer represents you. Unless you advise me in writing that you wish to cancel the hearing, it will be held on September 24, 2008.

You have a right to be represented at any hearing by suitable legal counsel and, if indigent, to have counsel provided without cost. Before a determination can be made regarding whether or not you are eligible to have an attorney appointed by the Board whose fee would be paid by the State of Oregon, you must complete the enclosed financial statement and return it to the Board, signed and notarized, at your earliest convenience. You do not need to complete the form if you do not request that the Board appoint an attorney. If you retain another attorney, it is your responsibility to have the attorney contact the Board.

Also enclosed is a Statement of Hearing Rights.

Very truly yours,

Nancy Hashimoto
Administrative Assistant





Oregon

Ted Kulongoski, Governor

Psychiatric Security Review Board

620 SW Fifth, Suite 907

Portland, OR 97204

(503) 229-5596

FAX (503) 229-5085

E-mail psrb@OregonVOS.net

September 03, 2008

Mr. Todd Michael Giffen
Oregon State Hospital
2600 Center St NE
Salem, Oregon 97301-2682

Dear Mr. Giffen:

This is to advise you that a Psychiatric Security Review Board hearing has been scheduled in your case on Wednesday, September 24, 2008.

The hearing will be held in Conference Room 106 of the 50 Building.

If you have any questions, please feel free to call.

Very truly yours,

Mary Claire Buckley, J.D.
Executive Director

MCB:jb



Oregon

Ted Kulongoski, Governor

Psychiatric Security Review Board

620 SW Fifth, Suite 907

Portland, OR 97204

(503) 229-5596

FAX (503) 229-5085

E-mail psrb@OregonVOS.net

November 16, 2007

Mr. Todd Michael Giffen
Oregon State Hospital
2600 Center St NE
Salem, Oregon 97301-2682

Dear Mr. Giffen:

This is to advise you that a Psychiatric Security Review Board hearing has been scheduled in your case on Wednesday, December 12, 2007.

The hearing will be held in Conference Room 106 of the 50 Building.

If you have any questions, please feel free to call.

Very truly yours,

Mary Claire Buckley, J.D.
Executive Director

MCB:jb



Oregon

Ted Kulongoski, Governor

Psychiatric Security Review Board

620 SW Fifth, Suite 907

Portland, OR 97204

(503) 229-5596

FAX (503) 229-5085

E-mail psrb@OregonVOS.net

December 20, 2007

Mr. Todd Michael Giffen, #70380
Oregon State Hospital
2600 Center St NE
Salem, Oregon 97301-2682

Dear Mr. Giffen:

Enclosed for your information is a copy of the Psychiatric Security Review Board's order in your case.

If you have any questions please contact me.

Very truly yours,

Mary Claire Buckley, J.D.
Executive Director

MCB:jb
Enclosure



Oregon

Theodore R. Kulongoski, Governor

Medical Board

1500 SW 1st Ave Ste 620
Portland, OR 97201-5847
(971) 673-2700
FAX (971) 673-2670
www.oregon.gov/omb

August 18, 2008

Mr. Todd Giffen
Oregon State Hospital
2600 Center Street NE
Salem, Oregon 97301

Re: William Lee Newton, MD (MD17615):

Dear Mr. Giffen:

The Oregon Medical Board received your complaint regarding Dr. Newton on July 8, 2008. In order for the Board to proceed with a formal investigation, a medico-legal basis must exist to support the belief that Dr. Newton may have violated Oregon law. Following the review by the Board's Investigations Department, an insufficient basis was found to warrant further investigation of your complaint.

While it is clear from your complaint that you disagreed with Dr. Newton about your care, such disagreement does not by itself provide the basis for an investigation. However, if you have documentation from another physician, or other healthcare professional, that the care and treatment provided by Dr. Newton was substandard, the Board is willing to review this.

Although the Board will not be initiating a formal investigation, I wish to let you know that this should not be interpreted by you as the Board minimizing or downplaying the concerns which you have expressed in your letter. The information which you have provided helps the Board in tracking trends in complaints about licensees, which can eventually aid the Board in intervening with physicians who may exhibit a history of problematic behavior.

The information which you submitted will be retained and electronically linked with Dr. Newton within the Board's database. Thank you for bringing your concerns to the attention of the Oregon Medical Board.

Sincerely,

Randy H. Day
Complaint Resource Officer
Investigations/Compliance Unit

RD/jr





Oregon
Advocacy
Center

Working for the rights of
individuals with disabilities

September 12, 2007

Todd Giffen
Oregon State Hospital
2600 Center Street NE
Salem, OR 97031

Dear Todd:

I'm writing this letter to give you an update on the case we talked about filing over the way OSH involuntarily medicates patients. You agreed to be a named plaintiff on a suit against OSH for not giving you your constitutional rights to due process before medicating you against your will. We were going to file a lawsuit to make OSH give you your due process rights, such as a hearing where you get to tell your reasons why you think you should NOT be medicated against your will and convince an impartial judge or hearings judge before OSH is allowed to force you to take meds against your will.

We haven't filed the lawsuit yet. Just before we filed the lawsuit, the OSH told us that they would be willing to change the rules, and fix the due process problems without the need for a lawsuit. They told us they may be able to get new rules in place by the end of October, 2007. This would be faster change than we would be able to get through a lawsuit (which always takes a long time) so we felt that it would be worth trying to get the rule changes without filing a lawsuit.

If OSH doesn't fix the problems by the end of October, 2007, or isn't well on their way to fixing the problems, we plan to file the lawsuit. I'll keep you updated in the meantime to how the progress is going to change the rules without a lawsuit. Feel free to call and ask me or my co-worker Glen questions about this. I hope that you are doing well, and thank you for your patience with this legal process.

Sincerely,

Beth Englander
Attorney at Law



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Health Services

Office of Investigations
and Training

2575 Bittern Street NE

PO Box 14250

Salem, OR 97309-0740

503-945-9495

Fax 503-945-9893

TTY Relay 800-735-2900

October 31, 2006

Todd Giffen, Ward 50D
Oregon State Hospital

Dear Mr. Giffen,

Enclosed is a copy of the conclusions in the report of an investigation completed by our office which you requested. Much of the information in the original report is confidential and protected under State and Federal law. It has been redacted (removed) in order not to reveal personal health information as well as the identities of the alleged victim, those who made reports or were witnesses. It is a public record and may be shared with anyone.

Please contact me if you have any questions. Our office number is 503-945-9495.

Sincerely,

Eva Kutas /m

Eva Kutas, Director
Office of Investigations and Training
Director's Office, Department of Human Services

EK:m
OSH06030c #06

Attachment

Joe Merrifield

503-947-1088 - addition records



JACKIE WINTERS
State Senator
Deputy Republican Leader
DISTRICT 10

REPLY TO ADDRESS:
900 Court St NE, S-301
Salem, OR 97301



OREGON STATE SENATE

Committees:

Member:

Full Ways & Means
Subcommittee Ways & Means on
Human Services
Subcommittee Ways & Means on
General Government
Public Lands Advisory Committee

May 20, 2009

Todd Giffen
2600 Center Street NE
Salem, Oregon 97301

Dear Todd:

I am in receipt of your letter of complaint regarding care at the Oregon State Hospital. I am sorry to hear of the treatment you feel you are receiving. Letters you included in your correspondence indicate an investigation was performed in 2006.

Although you have ongoing complaints regarding your treatment at the Oregon State Hospital, there is nothing I can specifically address other than urge you to work with hospital staff. Staffing matters needs to be addressed by the hospital and legal matters need to be addressed by an attorney.

Your original papers are being returned to you as these may be important documents. Thank you for taking the time to write and share your concerns. I wish you well.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Winters", is written over the word "Sincerely,".

Jackie Winters
Oregon State Senate
District 10

JW/dlh

FAX
503/ 273-8842

KEVIN E. LUCEY
ATTORNEY AT LAW
1412 AMERICAN BANK BUILDING
621 SW MORRISON ST.
PORTLAND, OREGON 97205
www.kevinlucy.com

TELEPHONE
503/ 222-7178

January 13, 2012

Todd Giffen
405 W. Centennial Blvd.
Springfield, OR 97477

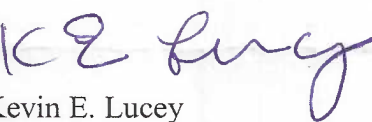
Dear Mr. Giffen:

I have reviewed the letter that you sent to me dated December 18, 2011. I am not interested in representing you. If you wish to pursue a claim, you should contact another attorney *immediately*, as there are time limitations to bringing a lawsuit. You may call or write the Oregon State Bar (telephone. (503) 620-0222) for a referral to another attorney.

If you are interested in filing suit, you also must file a Notice of Tort Claim within 180 days to the Director Oregon Department of Administrative Services, Risk Management Division, 155 Cottage Street, NE Salem, Oregon 97310-0319 for claims against the state. For claims against a city or county, mail your notice to the city or county attorney. The Notice is merely a letter indicating an intention to sue the State and recites the facts of the incident and your injuries. *You must file the Notice of Tort Claim within 180 days of the incident.*

Best wishes.

Sincerely,


Kevin E. Lucey

Elton T. Lafky
(Of Counsel)

LAFKY & LAFKY

Kevin T. Lafky
Tonyia J. Brady
R. Grant Cook
Scott B. Howell

Attorneys at Law
429 Court St. NE
Salem, OR 97301
Telephone: (503)585-2450
Facsimile: (503)585-0205
Electronic mail: info@lafky.com
www.lafky.com

February 20, 2012

Mr. Todd Giffen
405 W. Centennial Blvd.
Springfield, OR 97477

Dear Mr. Giffen,

I have reviewed the documents that you have sent to me, and have enclosed those with this letter to make sure you got them back as quickly as possible. Unfortunately, this is not something that we can help you with at this time. At this point, I am not representing you in this matter.

If you wish to have a lawyer represent you and you do not have another lawyer in mind, we recommend that you call the Oregon State Bar Lawyer Referral Service (LRS) at 503-684-3763 or 1-800-452-7636. The LRS maintains a list of lawyers who may be able to handle your case.

Thank you for contacting our law firm. We hope we can serve you in the future.

Sincerely,

LAFKY & LAFKY

Dictated but not read to avoid further dealy

Kevin T. Lafky

KTL/kg
encl.

**SPOONER
&
MUCH, P.C.**
ATTORNEYS AT LAW

RALPH C. SPOONER
JAMES F. LAWLER
TOM C. SPOONER

JOE W. MUCH
MELISSA J. WARD

DAN R. SCHANZ
TYLER E. STAGGS

January 18, 2012

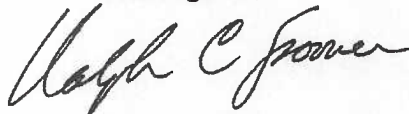
Mr. Todd Giffen
405 W. Centennial Blvd.
Springfield, OR 97477

Re: Potential Matter

Dear Mr. Giffen:

I received the materials you sent. Unfortunately, I do not have any experience handling this type of potential claim. Therefore, I cannot assist you. I would recommend that you contact the Oregon State Bar Attorney Referral Service to see if they can direct you to an attorney with experience in this type of matter. There are deadlines that apply for filing claims in Oregon. You should consult with an attorney to accurately determine those deadlines so that your claim is timely filed if it is filed. I will shred the materials you sent to me since they appear to be copies. Thank you for your understanding.

Best regards,



Ralph C. Spooner

RCS/cwm

LAW OFFICES OF
DYE & CLINGERMAN

MIKE DYE
AARON CLINGERMAN

456 STATE STREET, SUITE 200
SALEM, OREGON 97301

TELEPHONE (503) 581-5562
FAX (503) 588-5895
dyelaw@att.net

January 11, 2012

Todd Griffin
405 W. Centennial Boulevard
Springfield, OR 97477

Re: Potential Claim

Dear Mr. Griffin:

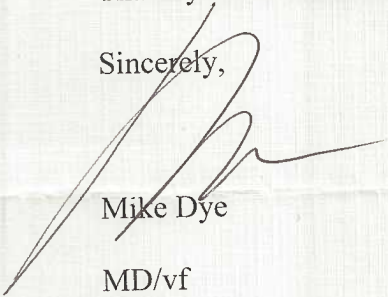
I am in receipt of your letter dated December 18, 2011 and enclosures, received in my office on January 10, 2012.

Due to my trial schedule, I do not have the time that it would take to help you with your potential claim.

I suggest you contact the Oregon State Bar at (800) 452-8260 requesting a referral.

Thank you for contacting our office.

Sincerely,



Mike Dye

MD/vf

PUBLIC DEFENDER SERVICES OF LANE COUNTY, INC.

1143 OAK STREET, EUGENE, OREGON 97401-3518

Phone: (541) 484-2611 Fax: (541) 484-5068

GREGORY J. HAZARABEDIAN, EXECUTIVE DIRECTOR
ROBERT C. HOMAN, ASSISTANT DIRECTOR
THOMAS L. FAGAN, EDUCATION DIRECTOR
M. JANISE AUGUR
JOHN E. BENNINGTON
MARIE B. DESMOND
KAREN G. GILBERT
ROBERT C. HANSEN
GLENDA R. HARTER
RUSH M. HOAG
ROBERT E. HUTCHINGS
ROBERT KAISER

November 18, 2011

DAVID M. PEBWORTH
DAVID J. PHILLIPS
MICHAEL V. PHILLIPS, OF COUNSEL
WILLIAM P. RAY
CLARA L. RIGMAIDEN
DAVID SAYDACK
JESSICA SAYDACK
MARIE SCHEFFERS
WILLIAM L. TUFTS
JOHN C. VOLMERT
PETER F.M. WARBURG

TODD MICHAEL GIFFEN
405 WEST CENTENNIAL
SPRINGFIELD OR 97477

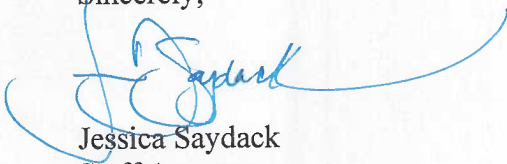
RE: Lane County Circuit Court #20-11-05395; PD #11-01583

Dear Mr. Giffen:

I am in receipt of your letter. I am more than happy to discuss your case with you after the Oregon State Hospital and the Lane County Circuit Court has found that you are fit to proceed.

Until that time take care.

Sincerely,



Jessica Saydack
Staff Attorney

pr



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Oregon State Hospital
2600 Center Street NE
Salem, OR 97301-2682
Voice: (503) 945-2800
TTY: (503) 945-2996
FAX: (503) 945-2807

CONFIDENTIAL

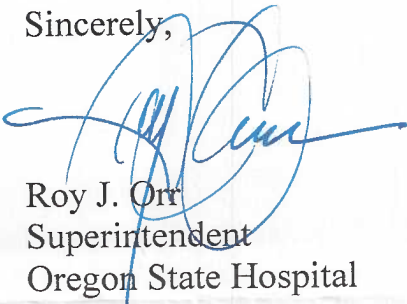
December 3, 2008

Todd Giffen
Ward 48B
Forensic Psychiatric Services
Oregon State Hospital

Dear Mr. Giffen:

Pursuant to OAR 407-045-0480, I am notifying you that it was determined by the Office of Investigations and Training that the allegations of patient abuse in which you were involved while a patient on Ward 48B, OSH Case No. 08040, were not substantiated.

Sincerely,



Roy J. Orr
Superintendent
Oregon State Hospital

RJO:pd

cc: OSH File No. 08027
OSH Medical Record No. 70380

08027 Pt



Date: January 7, 2008

To: Maynard Hammer, Interim Superintendent

From: Ted Highberger, Unit Director Ward 48C

RE: Allegation of Patient Abuse

During the routine check of the ward's locked grievance box this morning, the attached grievance was received from Todd Giffen, OSH patient #70380. The grievance states, "... I was also verbally and physically abused." Per OSH policy #7.008, I'm forwarding this report to your office and will be immediately delivering the referenced grievance to your office.

It should be noted that the referred to grievance mail box where this allegation was placed is prominently labeled with a request to immediately notify staff or give them directly any grievances which allege patient abuse.

Please don't hesitate to contact me if you have any further questions or concerns.

cc: Sue Zakes, Program Director
Pam Dickinson, Assistant to the Superintendent



Oregon

Theodore R. Kulongoski, Governor

Psychiatric Security Review Board

620 SW Fifth, Suite 907

Portland, OR 97204

(503) 229-5596

FAX (503) 229-5085

E-mail psrb@OregonVOS.net

August 11, 2008

David L. DenHartigh
Attorney at Law
1610 12th Street SE
Salem, OR 97302-2821

Re: TODD MICHAEL GIFFEN

Dear Mr. DenHartigh:

Enclosed, at your request, is a copy of the Psychiatric Security Review Board in the matter of Todd Giffen.

Very truly yours,

Nancy Hashimoto
Administrative Assistant





Oregon

Theodore R. Kulongoski, Governor

Office of Administrative Hearings

Social Services Hearings Division

PO Box 14020

Salem, OR 97309-4020

(503) 947-1515

FAX (503) 947-1503

January 13, 2010

Todd Giffen
Oregon State Hospital
2600 Center St NE
Salem, Or 97301

RE: OAH Reference No. 20113279
Agency Case No. 70380

Dear Mr. Giffen:

We have received your request for reconsideration of the Final Order dated November 30, 2011. Your request for reconsideration was filed timely on January 11, 2012.

We may issue an Order on Reconsideration in your case which would:

1. Deny reconsideration; or
2. Allow reconsideration and:
  - (a) Affirm the original Final Order;
  - (b) Change the original Final Order, completely or in part;
  - (c) Remand your case to the Agency for more factual investigation and, possibly, a new hearing; or,
  - (d) Reopen the original hearing for more fact finding.

If we do not issue an Order on Reconsideration within 60 days from the filing of your request, your request for reconsideration must be treated as if we had denied it. You would then have sixty (60) more days to petition the Court of Appeals for review of this case under ORS 183.482.

In the meantime, the institution will continue to enforce the original Final Order.

Sincerely,

Rebecca Osborne, Administrative Specialist

cc: **Via Electronic Mail Only:**

Donald Saint-Just, MD, Oregon State Hospital w/enclosure
Disability Rights Oregon

December 27, 2011

Todd Giffen
405 W. Centennial
Springfield, OR 97477

Re: Your submission to the Oregon State Bar
CAO File No. 1102040

Dear Mr. Giffen:

The Oregon State Bar has received your recent correspondence concerning your experiences in the OSH. You also expressed some dissatisfaction with the legal services you have received from various lawyers.

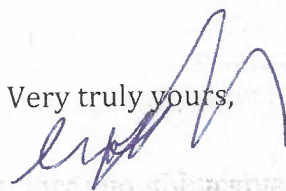
The Client Assistance Office (CAO) is responsible for reviewing concerns regarding Oregon lawyers. Under Bar Rule of Procedure 2.5, CAO determines whether there is sufficient evidence to support a reasonable belief that misconduct may have occurred warranting a referral to Disciplinary Counsel's Office for further review. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

Your concerns do not fall within the bar's jurisdiction. It appears that what you need is some legal advice and that you are dissatisfied with the advice you have been given in the past, including from DRO. The bar does not have jurisdiction to consider the quality of a lawyer's services or whether a lawyer or firm will even take a case in the first place.

We are unable to provide legal advice or representation and encourage you to contact an attorney of your choice for assistance. You may be able to get the name of an attorney to help you by calling the OSB Referral and Information Service at (503) 684-3763 or (800) 452-7636 (within Oregon).

I hope this information is helpful.

Very truly yours,



Scott A. Morrill
Assistant General Counsel
Extension 344

SAM/jmm
02c

DISABILITY RIGHTS OREGON

January 13, 2012

Todd Giffen
Lighthouse 2
2600 Center Street NE
Salem, OR 97301

Dear Todd,

I am writing to follow up regarding your concern. With your permission, I did talk to Dr. Farivar regarding your situation. I wanted to make sure that Oregon State Hospital did go through the proper channels regarding the forced medication that you are receiving. According to the information I received, you did have a medication hearing and are now receiving forced medication. I am sorry to hear that you are not happy with the medications that you are presently receiving. Unfortunately, I am not able to intervene to change your present situation; because the hospital did follow the proper channels to medicate you. However, I encourage you to talk to your doctor about any side effects you are having as a result of your psychiatric medication. Dr. Farivar may be able to assist you if you are having unpleasant side effects from your psychotropic medications.

In your telephone messages, you reported that you are having issues involving microwaves inflicting bodily harm to you and that as a result you are having physical/medical issues. Unfortunately, at the present time there is no way for our office to investigate this claim. However, if you are having medical issues that are impacting your ability to function, you can talk with your treatment staff about your symptoms and request an appointment with the medical provider.

If you have tried the above suggestions and feel that you need some additional support, you might want to call and talk with a Recovery Specialist at Oregon State Hospital. A Recovery Specialist can support and assist you in advocating to get your needs met. The number is 503-945-7265.

If I misunderstood your messages and you are being physically assaulted by staff, please call Office of Investigations and Training (OIT) to report this abuse. OIT's toll free number is: 1-866-406-4287. I hope you find this information helpful. If you are not satisfied with the services our office has provided, please do not hesitate to contact our office for a grievance form.

Sincerely,



Amy Solt, MSW
Advocate



DISABILITY RIGHTS OREGON

December 8, 2011

Todd Giffen
2600 Center Street NE
Salem, OR 97301

Dear Mr. Giffen:

Thank you for submitting a DRO Grievance. We use the DRO Grievance Process to make sure that our decisions and actions are fair and respectful.

Your grievance form states that DRO is refusing to provide services in order to limit your ability to get help and expose what OSH has done. Specifically, you state that DRO knows that OSH uses secret wireless technology including microwave and ultrasound to spy on patients and that you were physically harmed by it. You also state that DRO uses this technology and does nothing to protect patients from it.

As you know, DRO has provided you with service in the past and we continue to be available to help you when we can. We have been unable to find evidence that OSH uses wireless technology to spy on patients and have not found documentation that you have been physically harmed by that technology. I assure you that DRO does not use such technology.

I understand that you are experiencing these problems and you think that DRO is working with OSH to hide what happened. I want you to know that while we respect what you are saying, DRO is definitely not aware that OSH is doing these things and we are not hiding any information or helping them to spy on or hurt patients or anyone else.

You have the right to appeal this decision to the Grievance Committee of the Disability Rights Oregon Board of Directors. To do so, you must send a letter stating your reasons for disagreement to the DRO Grievance Committee at the address below. The Grievance Committee will issue a decision within 30 work days of receipt of your appeal. The Grievance Committee's decision is the final determination of the agency.

Sincerely,

Bob Joondeph
Executive Director

DISABILITY RIGHTS OREGON

June 10, 2011

Todd Giffen
Oregon State Hospital
2600 Center St NE, Ward LH1
Salem, OR 97301

Re: Involuntary Medication Hearing

Dear Mr. Giffen,

As you know, you had a hearing on June 9, 2011, in front of an administrative law judge to determine if your doctor at OSH would be able to give medication to you without your permission. In this hearing, the judge evaluated whether you had "capacity" to make your own treatment decisions, and whether the hospital has good cause to give you meds even though you don't want them. The judge decided that you were not able to understand and reasonably weigh the risks and benefits of the proposed treatment, so he issued an order giving the hospital the permission to give you medication against your will. The Office of Administrative Hearings mailed you a copy of the judge's decision.

This judge said in his order that because you didn't acknowledge that you had any mental illness, nor that there had been any benefits to you in receiving them that you couldn't reasonably weigh the risks and benefits of the medication they want you to take. The judge also decided that because they'd offered you group therapy and a few other things, they had tried alternatives that are less intrusive than the medications.

If you disagree with the judge's decision, you have the right to request that the judge reconsider or rehear your case. You also have the right to appeal the judge's decision to the Oregon State Court of Appeals. **A request for reconsideration, for rehearing or an appeal must be made within sixty (60) days of the date when the judge's decision was sent out. Your decision was sent on June 10, 2011. If you do not make your request within 60 days of that date, you will lose your right to reconsideration or appeal.** I'm sorry that this office cannot represent you in an appeal. You could try to hire a private attorney to represent you. The Oregon State Bar Lawyer Referral Service at 1-800-452-7636 may be able to provide a referral to a private attorney.

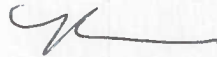
The hospital's order to give you medication without your consent will be valid for 180 days, or the duration of your commitment if that is shorter. After 180 days, if your doctor still feels that you are not able to provide informed consent to treatment, you will be reevaluated by an outside consulting doctor. You will also be eligible for another hearing at that time. 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 you have serious concerns about your medications that are not resolved by working with your treatment team, you can request a CMO review of the medications prescribed by your doctor.

I am now closing your file in this office. If you would like to file any grievance against DRO, please contact our office at (800) 452-1694. Also enclosed is a satisfaction survey, so that you can let us know what you think of our services. If you need assistance with issues related to your disability in the future, feel free to contact our intake staff.

Sincerely,



Kali S. Tara
Staff Attorney

Enclosures



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Director's Office

Office of Investigations and Training

2575 Bittern Street NE

PO Box 14250

Salem, OR 97309-0740

(503) 945-9495

Fax (503) 945-9893

TTY Relay (800) 735-2900

December 30, 2008

Todd Giffen, Ward 48B
Oregon State Hospital

RE: OSH08027

Dear Mr. Giffen,

Enclosed is the conclusion for OSH08027 per your request; we promised it would be sent to you upon completion. Much of the information in the original report is confidential and protected under State and Federal law. It has been redacted (removed) in order not to reveal personal health information as well as the identities of the alleged victim, those who made reports or were witnesses. The enclosed document is a public record and may be shared with anyone.

Please contact me if you have any questions. Our office number is 503-945-9495.

Sincerely,

Eva Kutas, Director

EK:m

OSH08027 #06

Attachments





Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Director's Office

Office of Investigations and Training

2575 Bittern Street NE

PO Box 14250

Salem, OR 97309-0740

(503) 945-9495

Fax (503) 945-9893

TTY Relay (800) 735-2900

January 12, 2009

Todd Giffen, Ward 48B
Oregon State Hospital

RE: OSH08027

Dear Mr. Giffen,

The redacted conclusions you requested were sent to you on 12/30/08, per your original request.

In response to your question of how OIT records of investigation can be requested from OIT, first of all every request must be in writing. Once we receive a request, OIT staff evaluate the request using several federal and state statutes as well as Oregon Administrative rules. These include ORS 430.735 through 430.768, OAR 407-045-0250 through 407-045-0360 (community abuse rule), HIPAA regulations and Oregon medical records laws. A redacted report is then released in response to the written request.

Please contact me if you have any additional questions. Our office number is 503-945-9495.

Sincerely,

Eva Kutas, Director

EK:m

OSH08027f

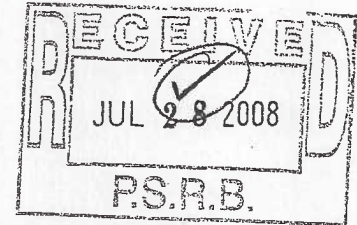
Attachments



David L. DenHartigh
Attorney at Law

1610 12th Street SE
Salem, Oregon 97302-2821
Telephone: (503) 508-3552
Facsimile: (503) 364-2655
e-mail: idefendyou@aol.com

July 24, 2008



State of Oregon
Psychiatric Security Review Board
620 SW 5th, Suite 907
Portland, OR 97204

Re: Todd Giffen
PSRB #05-2100

Greetings:

I represent Todd Giffen who is currently committed to Oregon State Hospital Ward 48B.

Mr. Giffen would like a hearing to determine his eligibility for discharge or conditional release pursuant to ORS 161.341(4).

Please provide a copy of the PSRB file so that I can properly prepare for the hearing and please contact me so that a mutually convenient hearing date and time can be scheduled.

Thank you.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "David L. DenHartigh".

David L. DenHartigh

PSRB#	05-2100
Exhibit #	38
Page	/ of /

David L. DenHartigh

Attorney at Law

1610 12th Street SE
Salem, Oregon 97302-2821
Telephone: (503) 508-3552
Facsimile: (503) 364-2655
e-mail: idefendyou@aol.com

August 15, 2008

Todd Giffen
Oregon State Hospital, Ward 48B
2600 Center Street NE
Salem, OR 97301-2682
Attorney-Client Mail
Personal and Confidential

Dear Todd:

This is to confirm that I will no longer be representing you at your request.

I have enclosed the papers that you gave to me and I have also enclosed the file that I just received from PSRB for your hearing on conditional release or discharge.

My total time on your case was just over 10 hours. From my lawyer trust account I have deducted \$1,500 at the agreed rate of \$150 per hour. I have received an additional \$1,500 check from Clyde and Arlene Giffen that I am returning to them.

Nancy Hashimoto from PSRB called this morning to schedule a hearing date. I informed her that I am no longer representing you and that she should contact you directly to schedule your hearing.

Thank you and best wishes to you.

Very truly yours,

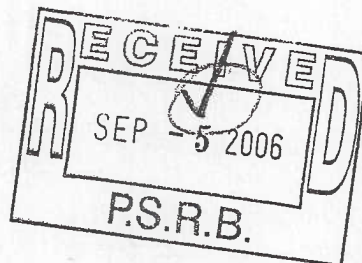


David L. DenHartigh

HARRIS S. MATARAZZO
ATTORNEY AT LAW
121 S.W. MORRISON, SUITE 1020
PORTLAND, OREGON 97204-3140

PORTLAND (503) 226-0306
SALEM (503) 588-3114
FAX (503) 226-4290

August 31, 2006



Ms. Nancy Hashimoto
Psychiatric Security Review Board
620 S.W. Fifth, Suite 907
Portland, OR 97204

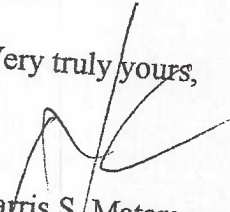
RE: Todd Giffen / Oregon State Hospital, Ward 50D

Dear Nancy:

Please accept this letter as Mr. Giffen's request for a hearing before the Psychiatric Security Review Board. My client will be requesting a discharge or conditional release at that hearing.

Thank you for your help in this matter.

Very truly yours,


Harris S. Matarazzo
Attorney at Law

HSM:mjp

cc: Todd Giffen

PSRB# 05-2100
Exhibit # 22
Page 1 of 1



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Director's Office

Office of Investigations and Training

2575 Bittern Street NE

PO Box 14250

Salem, OR 97309-0740

(503) 945-9495

Fax (503) 945-9893

TTY Relay (800) 735-2900

December 3, 2008

Roy J. Orr, Superintendent

Oregon State Hospital (OSH)

2600 Center Street NE

Salem, Oregon 97301-2682

PUBLIC RECORD

SUBJECT: Investigation Report OSH08027
Alleged Victim (AV)
Witnesses (W)s: W1 – W12
Other Persons Mentioned (OP)s: OP1
Date and Time of Incident: 07/08/08; 0930
Date Reported to Facility: 07/09/08 grievance
Date OIT Investigation Requested: 07/10/08
Investigator: Annely Germaine
Office of Investigations & Training
Director's Office, DHS

ALLEGATION

1. It is alleged MHT2 Jeff Hodson physically abused AV on 07/08/08 during an incident of physical restraint that resulted in injuries to AV's forehead, eye, and chin, in violation of OAR 407-045-0410(2)(a) Physical Abuse.¹
2. It is alleged Oregon State Hospital neglected the care of AV on several occasions in July 2008, when involuntary medications were administered, as exemplified by the incident on 07/08/08 that resulted in AV's injuries, in violation of OAR 407-045-0410(2)(c) Abuse by Failure to Act.²

CONCLUSIONS

Allegation 1

The allegation that MHT2 Jeff Hodson physically abused AV on 07/08/08 during an incident of physical restraint that resulted in injuries to AV's forehead, eye, and chin, in violation of OAR 407-045-0410(2)(a) Physical Abuse, was **not substantiated**.

¹ OAR 407-045-0410(2)(a) Physical Abuse: Examples include hitting, kicking, scratching, pinching, choking, spanking, pushing, slapping, twisting of head, arms, or legs, tripping, the use of physical force which is unnecessary or excessive or other physical contact with an individual inconsistent with prescribed treatment or care.

² OAR 407-045-0410(2)(c) Abuse by Failure to Act: This includes neglecting the care of the individual resulting in death (including suicide), physical or psychological harm, or a significant risk of harm to the individual either by failing to provide authorized and prescribed treatment or by failing to intervene when an individual needs assistance such as denying food or drink or leaving the individual unattended when staff presence is mandated.

