

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: EZ

: NO.: 16 - 80,044

: MENTAL HEALTH REVIEW

OPINION AND ORDER

This matter comes before the court on a petition pursuant to the Mental Health Procedures Act (MHPA), 50 P.S. § 7109(b), to review an extension of an involuntary mental health commitment made pursuant to 50 P.S. § 7305. “In all cases in which the hearing is conducted by a mental health review officer, a person made subject to treatment shall have the right to petition the court of common pleas for review of the certification.” 50 P.S. § 7109(b).¹ “If the court determines that further involuntary treatment is necessary and that the procedures prescribed by this act have been followed, it shall deny the petition.” *Id.*

For a person already subject to involuntary treatment, a court may order an extension of court-ordered involuntary treatment pursuant to 50 P.S. § 7305. “Such order shall be entered upon hearing on findings as required by sections 304(a) and (b), and the further finding of a need for continuing involuntary treatment as shown by conduct during the person's most recent period of court-ordered treatment.” 50 P.S. § 7305. Section 304(b)(2) provides that a petition for persons already subject to involuntary treatment “shall include a statement of the facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment.” 50 P.S. § 7304 (b) (2).² With few exceptions, the additional period of involuntary treatment shall not exceed 180 days.

¹ “A hearing shall be held within 72 hours after the petition is filed unless a continuance is requested by the person's counsel. The hearing shall include a review of the certification and such evidence as the court may receive or require.” 50 P.S. § 7109(b).

² In addition, “[t]he petition shall state the name of any examining physician and the substance of his opinion regarding the mental condition of the person. It shall also state that the person has been given the information required by subsection (b)(3).”

In the present case, petitioner is an inmate at SCI-Muncy. On or about October 4, 2016, SCI-Muncy petitioned for her involuntary treatment. Petitioner made a statement about wanting to commit suicide every day and presented with a delusional thought process. On October 20, 2017, Petitioner was ordered to receive involuntarily treatment at the SCI Muncy – MHU. That decision was not appealed. On or about November 15, 2016, a social worker at MHU petitioned for an extension of the involuntary treatment pursuant to section 305. Dr. Robert J. Sena reexamined petitioner and recommended a section 305 commitment for up to 90 days to treat petitioner’s mental illness to reduce her risk of harm to herself and to others.

A mental health review hearing was held on November 21, 2016. Petitioner was represented by an attorney from the Lycoming County Public Defender’s Office. It was ordered that petitioner receive inpatient treatment at SCI Muncy – MHU pursuant to 50 P.S. § 7305 for a period not to exceed 90 days. The mental health review officer found that this is the least restrictive treatment setting appropriate for the patient. Specifically, the doctor testified that petitioner would be non-compliant as an outpatient. The hearing review officer further found that petitioner has made minimal if any improvement since petitioner began involuntary treatment pursuant to commitment under 50 P.S. § 7304.

Upon review of the certification and the hearing disc and argument of counsel, this Court agrees with the certification of the Mental Health Review Officer and finds that Petitioner is a severely mentally disabled, that further involuntary treatment is necessary and that the procedures prescribed by this act have been followed. Petitioner conceded that the procedures were followed. Petitioner was involuntarily committed in October 2016 as a danger to herself. Petitioner has been diagnosed with schizophrenia that had not been treated prior to the involuntary treatment. Petitioner remains delusional, particularly with regard to matters that lead

to her incarceration and that caused her to stalk a minor child. Dr. Sena testified that Petitioner had “not shown any improvement in her delusional thinking.” Given the lack of improvement, the same conditions leading to petitioner’s initial commitment exist and the Petitioner remains in need of further treatment. Dr. Sena testified that there was reason to hope that additional time on the medication would result in improvement. Because of Petitioner’s non-compliance outside of the MHU, involuntary treatment was the least restrictive treatment setting appropriate for this patient.

Accordingly, the Court enters the following Order.

ORDER

AND NOW, this 19th day of **December, 2016**, upon review of the certification, the hearing testimony and argument of counsel, it is ORDERED and DIRECTED that the petition pursuant to 50 P.S § 7109(b) to review the certification and extension of the involuntary treatment for a period not to exceed 90 days is DENIED. It is further ORDERED and DIRECTED that EZ shall receive inpatient treatment at SCI Muncy – MHU as a severely mentally disabled person pursuant to section 305 of the MHPA for a period not to exceed 90 days from the certification dated November 21, 2016. At present this is the least restrictive treatment setting appropriate for the patient. Costs assigned to Lebanon County.

BY THE COURT,

December 19, 2016
Date

Richard A. Gray, J.

cc: PD - Matthew Welickovitch, Esq. (for Petitioner)
SCI-Muncy
Lycoming County MH/ID c/o Jim Wilkerson
Jeffrey A. Rowe, Esq. (MHRO)