

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

**IN RE: RB**, a : NO.: 17 – 80 , 033  
Person alleged to be mentally disabled. :  
: 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 § 7303(g), to review a certification for extended involuntary treatment made pursuant to 50 P.S § 7303(d).<sup>1</sup> On October 12, 2017, the Court provided an opportunity to present evidence and argument as to the record, at which time Joshua Bower, attorney for RB appeared and James Wilkerson the director of the Lycoming – Clinton MHID agency was present.

“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.” 50 P.S § 7303(g). The Court reviewed the certification for extended treatment issued by the MHRO on October 10, 2017 after a hearing, and the Court reviewed the testimony at that hearing and record in this case. After such review, the Court finds that further involuntary treatment is necessary and the procedures prescribed by MHPA have been followed. Therefore, the Court will deny the petition to dismiss the 303 certification.

On October 10, 2017, Dr. Thomas J. Ziembra certified that RB had been admitted to the Williamsport Regional Medical Center on October 9, 2017 under section 302 of the MHPA and that Dr. Smith examined RB and found RB to be in need of continued treatment at that time. On October 10, 2017, Dr. Gerald M. Smith affirmed that he examined RB on October 10, 2017 and

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<sup>1</sup> “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 § 7303(g) “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.” Id.

determined and opined that RB continued to be severely mentally ill and in need of inpatient psychiatric treatment.

At the hearing held on October 10, 2017, both Dr. Smith and Dr. Ziemba testified that RB suffered from delusional thinking and without inpatient treatment was a danger to himself and others, with an inability to care for himself at this time, and that inpatient care was the least restrictive option. RB's recent history included reports of wandering from a nursing home and behaviors threatening to himself and others. The Court agrees with the MHRO's conclusion that the doctors testified that RB exhibited delusional thoughts and that such was bolstered by RB's testimony. In addition, testimony revealed that while at hospital, RB was groggy and confused, did not know what was going on, was concerned he was receiving shots, felt staff were playing games with his head, and removed his belt buckle that had a knife attached. Although RB challenged some of the factual background recited by the health care providers, neither doctor waived from his opinion that RB was a danger to himself or others, lacked the ability to care for himself, and required inpatient psychiatric care.<sup>2</sup> The Court affirms the reasoning and decision of the MHRO.

Accordingly, the Court enters the following Order.

### **ORDER**

AND NOW, this 12<sup>th</sup> day of **October 2017**, upon review of the certification, the hearing testimony and argument of counsel, the Court finds that further involuntary treatment is necessary and that the procedures prescribed by the MHPA have been followed. Accordingly, it is ORDERED and DIRECTED that the petition pursuant to 50 P.S § 7303(g) to review a certification for extended involuntary treatment made pursuant to 50 P.S § 7303 is DISMISSED.

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<sup>2</sup> The Court notes that the "mental health review officer may review any relevant information even if it would be normally excluded under rules of evidence if he believes that such information is reliable." 50 P.S § 7303(c).

The involuntary commitment Order as amended this date herein Order is re-affirmed and shall remain in full force and effect as follows.

The report and recommendations of the Mental Health Review Officer filed in the above mentioned case, is hereby AMENDED to reflect that RB be committed to the Western Psychiatric Institute and Clinic or other similar facility for inpatient care and treatment as a severely mentally disabled person.

The care and treatment is ordered pursuant to Section 303 of the Mental Health Procedures Act of July 9, 1976 and shall continue for a period not to exceed 20 days from October 10, 2017. All other portions of the report remain in effect.

BY THE COURT,

October 12, 2017  
Date

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Richard A. Gray, J.

cc: PD – Joshua Bower, Esquire (for Petitioner)  
UPMC Susquehanna – Divine Providence Hospital c/o Dr. Smith and Dr. Ziemba  
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Lycoming County MH/ID c/o Kelly Webb  
Stephen C. Sholder, Esquire (MHRO)