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New Jersey Is Sued Over the Forced Medication of Patients at Psychiatric Hospitals

By **RICHARD PÉREZ-PEÑA**

Patient advocates filed a federal lawsuit on Tuesday charging that New Jersey psychiatric hospitals routinely medicate patients against their will without a review by an outside arbiter, a practice that is banned in most other states.

Twenty-nine states require a judge's ruling for involuntary medication, according to the suit, including New York, Connecticut and other large states, like California, Florida and Texas. Five other states leave the decision to an individual or panel outside the hospital. Some states also provide an advocate to represent a patient in a hearing on forced medication.

But in New Jersey, state rules allow a patient in a state hospital to appeal medication decisions only to people in the hospital. The lawsuit contends that the internal appeal process is routinely ignored and that psychiatric patients in private hospitals lack any opportunity to appeal medication regimens at all.

The suit, filed in Federal District Court in Trenton by the group [Disability Rights New Jersey](#), seeks a court order requiring the state to provide judicial review of involuntary medication. It notes that a prison inmate has more power to contest treatment decisions than a psychiatric patient.

The drugs forced on patients include powerful medications for conditions like [schizophrenia](#) and [bipolar disorder](#). They help many people with those diseases function better, but can have serious side effects, including diabetes, tremors, seizures, high blood pressure, obesity,

sedation, aches and impaired mental function.

“As a patient in a state hospital, it’s your legal right to refuse and go through a process, but you get severely penalized if you try,” said W. Emmett Dwyer, litigation director of Disability Rights New Jersey, a federally financed organization. “They view you as noncompliant with treatment. They give you an injection instead of a pill. And they tell you if you don’t take it, you won’t get out.”

There are about 1,800 patients at any given time in New Jersey’s five state psychiatric hospitals, and 1,000 in private ones.

Michael D. Reisman, a lawyer with Kirkland & Ellis, which is helping bring the lawsuit, said recent records from one state hospital showed that fewer than 20 percent of patients contested their medication.

But the advocates and several former patients said many more objected to their prescriptions but submitted quietly, rather than risk painful injections or a longer hospital stay. Others, they said, are too medicated to object.

“When I said no, they just shot me up instead, so pretty soon I gave up,” said Alice Hsia, 34, who has been in and out of hospitals for schizophrenia. “The times I was sedated, I would sign anything they wanted.”

Mr. Reisman said the question often was not whether some medication was needed, but rather one of dosage or a desire to try a “different drug with fewer side effects.” Some hospital [psychiatrists](#) do not take such concerns seriously, he said, but “a judicial hearing would give the patient more leverage and force the doctors to listen.”

The State Department of Human Services, which runs the hospitals, declined to comment on the suit. But among advocates for the mentally ill, there are wide-ranging opinions on involuntary treatment.

Phil Lubitz, associate director of the [National Alliance on Mental Illness of New Jersey](#), said he did not see forced medication as a major issue, noting that it was extremely difficult to get patients committed in New Jersey, and that most who were presented “a danger to themselves or others.”

But Robert Davison, executive director of the [Mental Health Association of Essex County](#), called New Jersey's policy "beneath contempt."

"This state is way behind the times," he said. "It suspends people's civil rights without due process, and it's troubled me for years."

A few states require that the issue of involuntary medication be addressed when someone is being committed. More than 20 states require a separate hearing on the subject. There is no way to know how many patients in New Jersey would have their medications changed if there were an external review. But the advocates say a fundamental right is at stake.

Joseph L. Cichowski Jr., who has a schizophrenia diagnosis and helped prepare the lawsuit, said he had tremors, memory loss and dizziness. He blamed the psychiatric medications given to him involuntarily in the hospital.

"I didn't know what they had me on half the time," said Mr. Cichowski, 55, a Princeton graduate and former stockbroker. "I feel like I'm being slowly medicated to death."

Mr. Cichowski, who was released in July to a halfway house, said he had gambled away his paychecks and government benefits and borrowed money, and at times had survived on the coins he found in slot machines.

"I was hearing voices of the angels telling me places to go or things to do," he said. Asked if he still heard them, he said, "I won't admit it."