



Advanced Behavioral Health for the Oregon Risk Manager

Presented by Sharon C. Peters & Eric J. Neiman



Investigation continues into man's death by jumping from Winter Haven hospital window

Girlfriend talked to him hours before, said he showed no signs of self-harm.



Matthew Kline

PROVIDED TO THE LEDGER

By **Kaitlyn Pearson**
The Ledger

Published: Monday, April 25, 2016 at 12:34 p.m.

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WINTER HAVEN — Matthew Kline, 25, of Auburndale has been identified as the man who died early Saturday afternoon after jumping from a third floor window of the Winter Haven Hospital, according to the Winter Haven Police Department.

Kline was admitted to the hospital Friday under a Baker Act for an attempted overdose on aspirin and multi-vitamins, according to reports. Police are investigating his death as a suicide. The Baker Act allows people to be involuntarily hospitalized if they are determined to be in danger of harming themselves or others.

Why Kline took the overdose and later jumped through the window is still being investigated by Winter Haven police.

Hospital that treated man before stabbing bars contractor

Associated Press Thursday, May 12, 2016



Credit: The Associated Press

Taunton, Mass., Mayor Thomas Hoye, Jr., right, speaks about Tuesday's stabbings at a Taunton home and shopping mall, Wednesday, May 11, 2016, in Fall River, Mass. Behind him are Taunton Police Chief Edward Walsh, left, and Bristol County District Attorney Thomas Quinn III. Arthur DaRosa, described by his family as mentally disturbed, went on a stabbing rampage hours after leaving a hospital. He killed two people and assaulted and stabbed others before being fatally shot by an off-duty sheriff's deputy at the Silver City Galleria mall. (Jack Foley/The Herald News of Fall River via AP) MANDATORY CREDIT

BOSTON — A hospital that treated a man before he fatally stabbed two people and wounded several others at a home and mall said Thursday that it was barring a state contractor that provides mental health evaluations.

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Charges: Alexandria Man Choked St. Cloud Hospital Employee With Wires

By [The Associated Press](#) May 13, 2016 6:23 AM



William Kern, Stearns County Jail

ST. CLOUD (AP) – An Alexandria man is facing a second-degree assault charge for allegedly attacking and trying to strangle a mental health worker at St. Cloud Hospital with an electrical cord.

Forty-two-year-old **William Chad Kern** is accused of attacking the woman while she was working with him Sunday. Kern had been civilly committed and ordered to

complete treatment at the hospital.

The worker says Kern became upset after she wouldn't give him a CPAP breathing device and allegedly ripped a security card reader from the wall.

Authorities say Kern returned to his room with wires from the device, grabbed the worker and began to choke her. Hospital personnel eventually intervened.

A judge has ordered Kern undergo a mental competency evaluation. It's unclear whether he has an attorney.

MIAMI BEACH

MAY 29, 2016 11:14 AM

Man beaten, choked to death by roommate at Mount Sinai hospital, police say

HIGHLIGHTS

A patient was found dead at around 7 p.m. Saturday

Police have Andre Brown in custody

Officials received a call about a man dead “under suspicious circumstances”



Mount Sinai Medical Center.

BY MONIQUE O. MADAN AND ALEX HARRIS
mmadan@miamiherald.com

Police found the 55-year-old man dead in the blood-splashed bathroom of his hospital room.

The man's son, Alexander Ortega, met Miami Beach police at the door of Mount Sinai Medical Center about 7 p.m. on Saturday. He was upset, the report said, because hospital staff members wouldn't tell him where his dad was.

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General News

Patient charged in death of doctor he tackled at Timberlawn mental hospital

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File Photo/Staff

By Marc Ramirez
Dallas Morning News

Published: 02 July 2016 04:16 PM

Updated: 06 July 2016 11:44 AM

A patient has been charged with manslaughter in the death of a doctor he tackled Thursday at Dallas' largest psychiatric hospital, police said.

Tony Cason, 55, a patient at Timberlawn Mental Health System, is accused of attacking Dr. Ruth Anne MarDock about 1 p.m., according to police documents.

The facility where the assault occurred is on Samuel Boulevard in East Dallas.

Assaults on staff at Western State Hospital costing millions

Originally published November 27, 2015 at 9:31 am Updated November 27, 2015 at 6:42 pm

Hundreds of employees at Washington state's largest psychiatric hospital have suffered concussions, fractures, bruises and cuts during assaults by patients, resulting in millions of dollars in medical costs and thousands of missed days of work.

By

MARTHA BELLISLE

The Associated Press

LAKEWOOD, Pierce County — A psychiatric patient “head-butted” a nurse so hard she fell back and her head was slammed against a door, causing injuries that kept her home for three months. An agitated patient knocked a nurse onto a concrete floor, causing injuries that forced him out of work for seven months. A nurse who tried to stop a patient attack was in hurt so seriously that her recovery took more than two years.

Hundreds of employees at Washington state's largest psychiatric hospital have suffered concussions, fractures, bruises and cuts during assaults by patients, resulting in millions of dollars in medical costs and thousands of missed days of work.

CHAOS

Since October investigation, another 41 assaults in Florida's violent mental hospitals

Part of a series | Dec. 31, 2015 By LEONORA LaPETER ANTON, MICHAEL BRAGA and ANTHONY CORMIER
Times/Herald-Tribune Staff

DESPITE STATE LAWMAKERS' CALLS for emergency safety measures, violence continues at record rates inside Florida's state-funded mental hospitals.

Since October, when the *Tampa Bay Times* and the *Sarasota Herald-Tribune* first chronicled the growing violence, police and state regulators have investigated at least 41 injuries and attacks.

At one hospital, a patient hid scissors in his room, then used them to stab a hospital employee in the back. In another, a patient tore off a man's eyelid during a fight.

The *Times* and *Herald-Tribune* first revealed the chaos inside Florida's mental wards in October when they published the results of a yearlong investigation, **Insane. Invisible. In danger.** The newspapers found that state officials cut \$100 million from the hospitals' budgets and fired a third of their workforce. Violent attacks and other injuries doubled, leading to at least 15 deaths.

Every long-term facility in Iowa turns away severely ill patient

[Jason Clayworth](#), jclayworth@dmreg.com 8:25 p.m. CDT August 15, 2016



No nursing home or hospice facility in Iowa has been willing to accept Randy Sedrel as a patient.

His family says the 60-year-old Oskaloosa man, who has a rare neurological disease, was a gentle and caring man before his diagnosis five years ago.

Now, as the disease tightens its grip on him, his confusion and fear meld into frustrations that result in frequent scuffles with caregivers, including choking, slapping and kicking.

Because of that behavior and his relatively youthful age in comparison with most long-term care patients, an estimated 170 care facilities — including Iowa's two remaining mental health institutes — have turned him away.

WORLD U.S. N.Y. / REGION BUSINESS TECHNOLOGY SCIENCE HEALTH SPORTS OPINION ARTS STYLE TRAVEL JOBS REAL ESTATE AUTOS

The Patients in the Hallways



Thomas MacDonald for The New York Times

Norwalk Hospital's emergency department.

By DAVID HOLMBERG

Published: June 10, 2007

STONY BROOK, N.Y.

In the Region

Long Island, Westchester,
Connecticut and New Jersey[Go to Complete Coverage »](#)

University Hospital.

ON some chaotic days and nights, Dr. Peter Viccellio's system to control boarding — the hospital practice of treating patients in the hallways of overcrowded emergency departments — is still put to the test at Stony Brook

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BloombergBusiness.com
Launching January 20.
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South Carolina Psychiatric Patient Stuck 38 Days in ER

By Stephanie Armour | Jul 17, 2013 9:00 PM PT | [19 Comments](#) [Email](#) [Print](#)

When a mentally ill patient arrived **at AnMed Health Medical Centers'** emergency room in May, staff at the Anderson, South Carolina, facility scurried to find a hospital with enough room for an admission.

Everywhere was full, including a nearby psychiatric hospital. Unable to find any place that had available beds, the patient spent 13 days languishing in the ER. Such stays are increasingly common at the hospital -- in one case last year a patient was stuck in the ER for 38 days, costing the hospital



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Originally published October 5, 2013 at 7:04 PM | Page modified October 8, 2013 at 4:24 PM

First of two parts

'Boarding' mentally ill becoming epidemic in state

TIMES WATCHDOG: Far more involuntarily detained patients are stuck in chaotic hospital ERs and ill-equipped medical rooms. They wait days, even months, for treatment. The practice traumatizes thousands of mentally ill residents, wreaks havoc on hospitals, and wastes millions of taxpayer dollars.

By [Brian M. Rosenthal](#)

Seattle Times staff reporter

Matthew Jones stripped off his clothes, kicked over a trash can and ran into Kirkland's Juanita Beach Park. He wanted to swim across Lake

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A Dearth Of Hospital Beds For Patients In Psychiatric Crisis

By Jenny Gold | April 12, 2016



Pam and Amanda Lipp in Fair Oaks, California, in December 2015. (Heidi de Marco/KHN)



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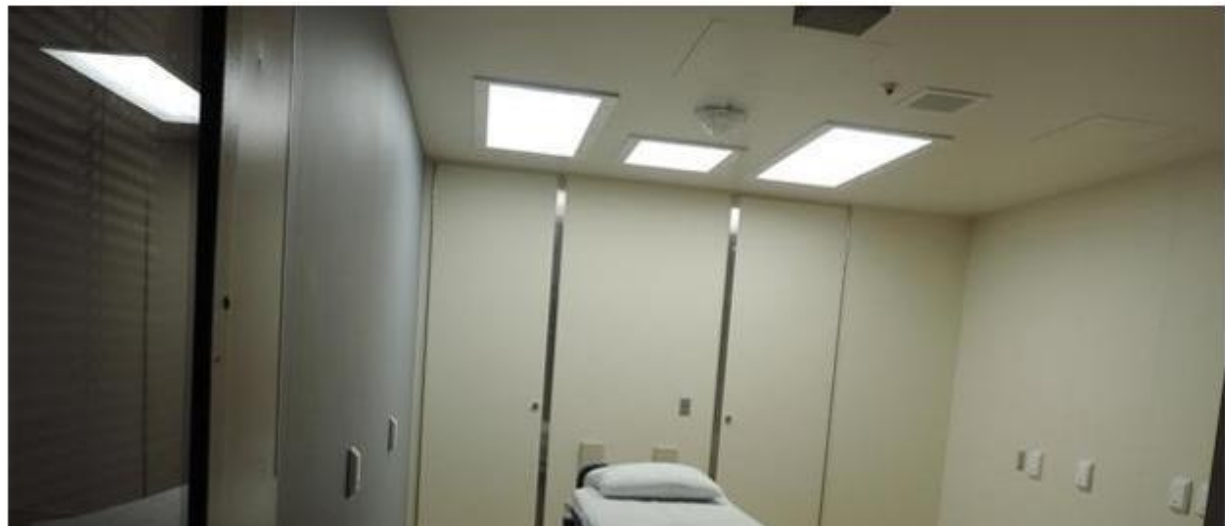
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July 16th, 2014 NIGEL JAQUISS | News Stories

All Stacked Up And No Place To Go

Psychiatric patients are being warehoused in Portland's emergency rooms in growing numbers.





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Woman with mental illness stashed in jail: 'Cruel' ordeal never should have happened



After a Yamhill County judge ordered a woman to be civilly committed because of her mental illness, the woman sat in jail for 10 days, awaiting an appropriate psychiatric bed in the state. Judges, her lawyer and mental health advocates stepped in to try to find a solution.

1 / 7

Fullscreen

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Caption



By **Maxine Bernstein** | The Oregonian/OregonLive

Email the author | Follow on Twitter

on February 20, 2015 at 6:03 PM, updated February 22, 2015 at 12:59 PM

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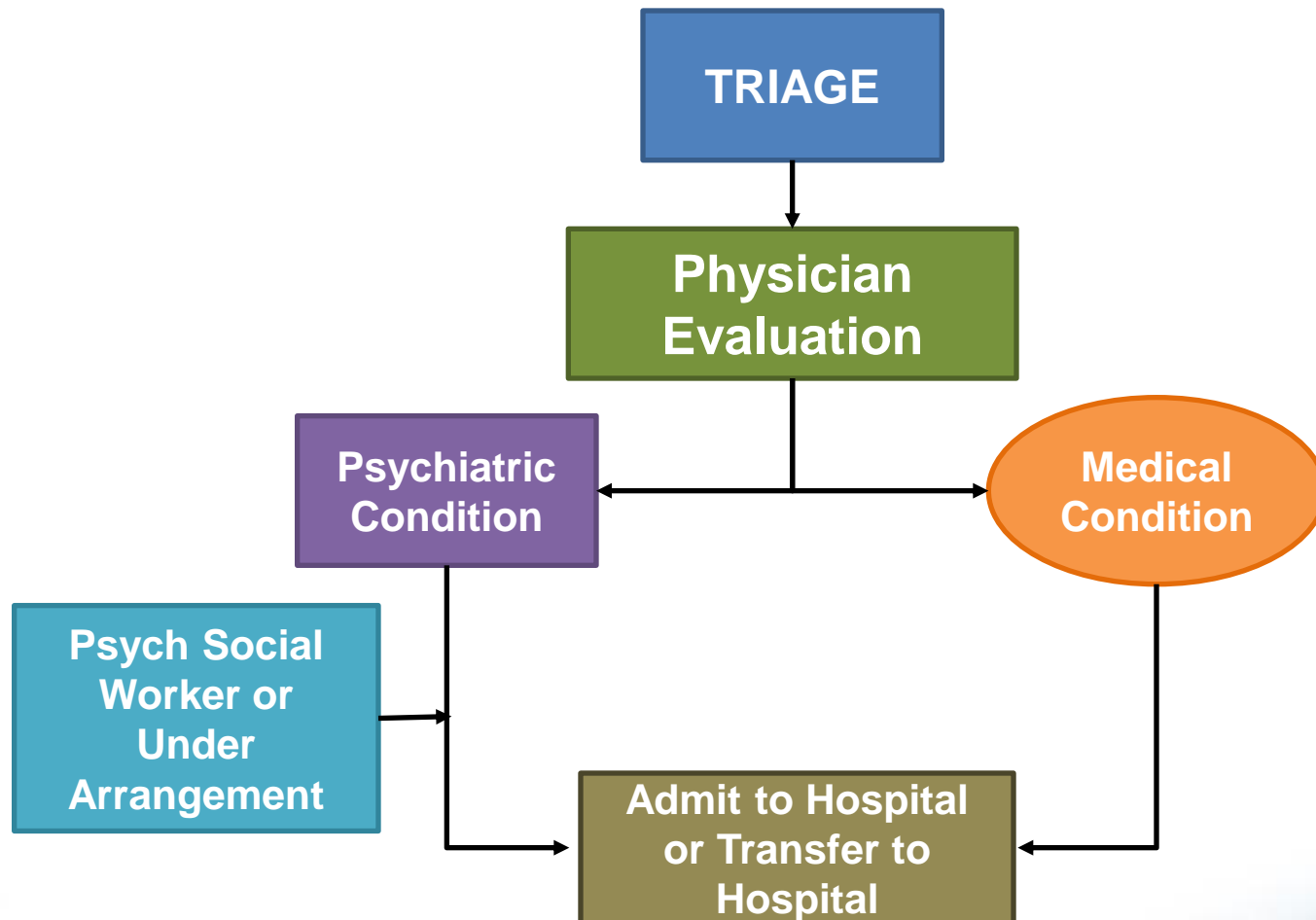
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Universal concerns...



Psychiatric And Medical Patients Use The Same Space And Staff



So Many Initials

- EMTALA
 - CMS
 - TJC
 - OHA
 - DHS
 - OIG
- 

EMTALA Impact

- Facility with a dedicated ED must provide adequate medical screening.
- If emergency medical condition exists, then:
 - Stabilizing treatment
 - Appropriate transfer



EMTALA

- Emergency medical condition:
 - Places health of individual in serious jeopardy
 - Serious impairment of bodily functions, or
 - Serious dysfunction of any bodily organ or part (42 USC 1395dd(e)(1)(A)).
- CMS confirms that an emergency medical condition includes psychiatric disturbances and symptoms of substance abuse (42 CFR 489.24(b)(1)).

EMTALA

“In the case of psychiatric emergencies, an individual expressing suicidal or homicidal thoughts or gestures, if determined dangerous to self or others, would be considered to have an EMC.”

**EMTALA Interpretive Guidelines, § 489.24(d)(1)(i),
Appendix V of State Operations Manual**



Floyd Medical Center, Georgia

- OIG claimed FMC failed to evaluate and treat 32 year old mentally ill patient.
- Transferred from another hospital.
- In ED, became combative and violent. Security was called. Force used to subdue patient.
- Security determined that safety was beyond that which could be handled by the hospital.
- Patient was medically cleared and taken to jail, without a psych consult.
- **January 6, 2016:** \$50,000 settlement



Springfield Hospital, Vermont

- OIG claimed hospital failed to stabilize psych condition of one patient, and failed to adequately screen another
- Hospital sent both patients to jail
- **September 3, 2014:** \$50,000 settlement



Duke University Health System, North Carolina

- OIG alleged Duke failed to accept five appropriate transfers of individuals with unstable EMC who required the stabilizing specialized capability of Duke's inpatient psychiatric unit, called the Williams Unit.
- Duke refused the transfers because:
 - it only allowed admission during certain business hours (three patients)
 - patient was too aggressive (one)
 - the unit did not treat substance abuse and labs did not return yet (one patient)
- **September 5, 2012:** \$180,000 settlement




Carolinas Medical Center, North Carolina

- Patient presented to ED with complaints of homicidal ideation and acute depression.
- Feared hurting himself and his wife.
- Patient presented two weeks prior with similar complaints.
- Hospital knew he had access to firearms.
- OIG alleged hospital discharged patient with a prescription for a mild anti-depressant without an adequate medical screening or stabilization.
- Shortly after discharge, patient killed his wife, two children, and himself.
- **December 3, 2013:** \$50,000 settlement



Kicked, Beaten, Shoved...

- Workers' compensation claims in Oregon healthcare and social assistance sector increased 78% from 2007-2013.
 - In 2014, 275 accepted claims for assault against Oregon healthcare workers.
 - Many incidents go unreported.
- 

Health Care Employer Obligations

- ORS 654.414
 - Affirmative obligation
 - Periodic assessments
 - Assault protection and protection program
- ORS 654.418
 - Employee assaulted by patient can request a second employee accompany for further treatment

Volk v. DeMeerleer (2014)

- Psych patient with bipolar affective disorder, depression, obsessive compulsive traits
- No history or acts of violence
- Three months after last treatment, DeMeerleer shoots girlfriend and a child, attacks another child with a knife.
- Claim against psychiatrist could proceed – standard of care, duty to warn
- On review by Washington Supreme Court
- Cite: *Volk v. DeMeerleer*, 184 Wn. App. 389 (2014).

Piazza v. Kellim (2016)

- Underage nightclub
- Shooting outside
- Shooter had been diagnosed with schizophrenia
- Exchange student killed
- Lawsuit against Zone and Rotary
- Cite: *Piazza v. Kellim*, 360 Or 58 (2016).


Piazza v. Kellim (2016)

- Trial court dismissed
- Court of Appeals reversed
- Oregon Supreme Court affirmed Court of Appeals
- Case remanded for trial

“Our preference for giving voice to the community's judgment through a jury determination prevails...”



Piazza v. Kellim (2016)

- Implications for hospitals and healthcare providers
 - ED liable for discharge decision?
 - Psychiatrist liable for patient's violence?
 - Primary care provider liability?
- 

Immunity & Duty to Warn

- ORS 426.335 – Immunity for decisions pursuant to civil commitment laws
- Disclosure to prevent serious and imminent threat to individual or public

Abuse reporting

- Mandatory reporting obligation is undercurrent
- Patient to patient assaults can trigger report


“Any physical injury ... caused by other than accidental means”



Planning & Action: Approaches

- Early detection of challenging discharges
- Training
- Internal teams
- External networks and relationships

Planning & Action: Toolkit

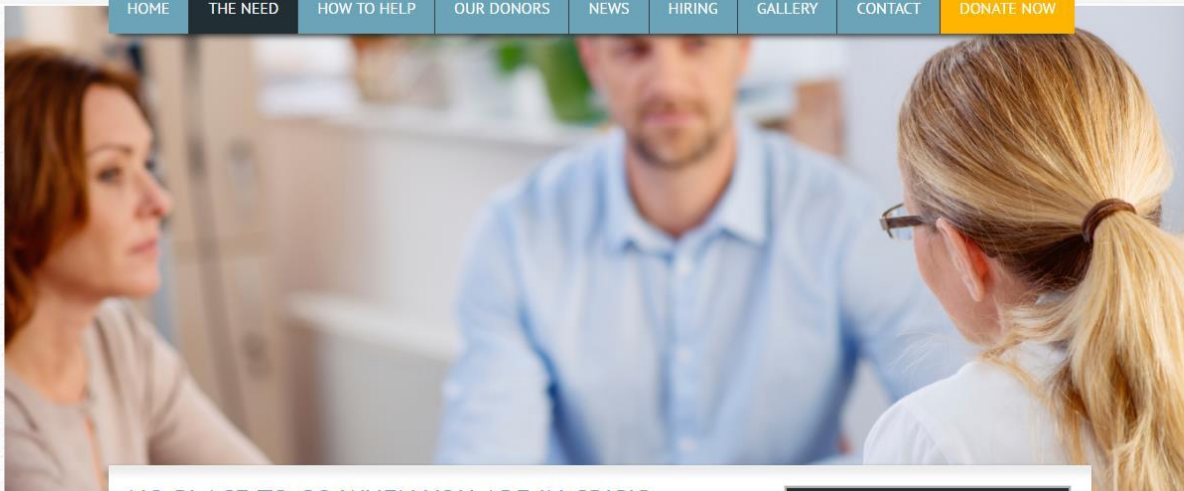
- Internal behavioral health team
 - Key contacts
 - Current list of treatment beds
 - Model for crisis triage of BH patient
 - Resource book
- 

Changes in Oregon

- Unity Center for Behavioral Health
- Providence Willamette Falls Child Adolescent Psychiatric Unit
- Providence Milwaukie Geropsych Unit
- Washington County Mental Health Urgent Care
- Increase in beds at Oregon State Hospital



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NO PLACE TO GO WHEN YOU ARE IN CRISIS

Our mental health system is broken. This has been documented in numerous studies by experts serving individuals and families affected by mental health issues.

We see it every day in Emergency Departments across the region – behavioral health patients stuck in an Emergency Department exam room waiting hours or days for a more appropriate care setting.

Our physicians and social workers are frustrated in trying to find services for patients who need immediate psychiatric care or are trying to transition back to their home or community.

We need to do better.

UNITY UPDATES

June 13, 2016

Golfers are invited to join the Unity Center Benefit Golf Tournament.

[Take a swing.](#)

April 2016

Hiring continues with new Nurse Managers and our [Child and Adolescent Psychiatry Medical Director](#).

March 2016

“A New Day in Oregon”

- January 2014 Medicaid expansion
 - Number of adults receiving treatment for mental illness increased 60%
- *Atlanta Journal of Commerce*, 9/2015

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASSIE CORDELL TRUEBLOOD, et al.,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES, et
al.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C14-1178 MJP

THE COURT HAS ORDERED THAT

Defendants are ordered to cease violating the constitutional rights of Plaintiffs and class members by providing timely competency evaluation and restoration services, and a permanent injunction is entered by the Court.

injunction is entered by the Court.

Dated April 2, 2015.

William M. McCool
Clerk of Court

s/Mary Duett
Deputy Clerk

In the Matter of the Detention of DW

- “We affirm the trial judge’s ruling that the ITA does not authorize psychiatric boarding as a method to avoid overcrowding certified evaluation and treatment facilities.”
- “Patients may not be warehoused without treatment because of lack of funds.”

Det. of D.W. v. Dep't of Soc. & Health Servs., 181 Wash. 2d 201, 332 P.3d 423 (2014)

“We have replaced the hospital bed with the jail cell, the homeless shelter and the coffin. **How is that compassionate?**”

Tim Murphy-R- PA

Questions?

- Eric Neiman

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- Sharon Peters

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