

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date Jan. 6, 1975 <sup>6</sup>

To Theodore Radomski, M.D. Dept. Augusta Mental Health Institute  
From Courtland D. Perry, Asst. Att'y General Dept. Attorney General  
Subject Authorization to treat patient who has religious delusions

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This is an informal response to your request for an opinion of this office as to whether the staff of the Augusta Mental Health Institute may apply treatment modalities, including psychotropic medication, in the treatment of a person committed to the Augusta Mental Health Institute by order of the District Court under 34 M.R.S.A. § 2334, which patient objects to such treatment modalities, in particular, medication, on the ground that only God can cure and doctors are false gods and medication is a false miracle. We answer in the affirmative that the Augusta Mental Health Institute may administer treatment, including medication, in such case.

Upon commitment by the District Court under 34 M.R.S.A. § 2334, the hospitalized patient becomes entitled to treatment. See 34 M.R.S.A. § 2252. Ordinarily the treatment which may be brought to bear is that which is considered necessary and appropriate by the professional staff of the Augusta Mental Health Institute, the administration of which may be undertaken with neither the necessity for any further judicial order nor the consent of the patient. See New York City Health & Hosp. Corp. v. Stein, 335 N.Y.S. 2d 461 (1972).

Here, the appropriateness of administering treatment over the objection of the patient is in issue because of the basis for the patient's objection and the institute's sensitivity to a potential question arising under the First Amendment to the U. S. Constitution as made applicable to the states under the Fourteenth Amendment to the U. S. Constitution; i.e., the right to practice one's religion.

The uncontroverted evidence adduced and of record in the District Court proceedings giving rise to the involuntary judicial hospitalization of the patient in question is that: (1) the patient was a long-time adherent to the Catholic faith and up until recently, the patient attended the Catholic Church regularly; (2) the patient is suffering from a major psychosis diagnosed as schizophrenia, paranoid type, a delusional manifestation of which is his claim that he is the prophet Elias; (3) the patient has behaved in an increasingly bizarre manner during the past year; e.g., living in an 8' by 10' former chicken coop without electricity and without running water and with a defective wood stove for heat, fasting and at times eating rotten fruit, rejection of all products of modern technology including destruction and attempted destruction of objects which he considered to be false miracles, such as the attempted breaking up of a tarred public road and the burning of clothing given to him by family members; (4) the patient's objection to the administration of medication in this case appears to be part of the patient's mental illness.

In our opinion no First Amendment question is raised here. We are not faced with a person who has been a long time practitioner of a religious belief which is opposed to the administration of medication who becomes mentally ill and still advances such religiously based objections to the administration of medication, in which case such religiously based objections must be honored by the State and its agents unless there can be shown an outweighing compelling state interest; (See

Winters v. Miller, 446 F. 2d 65 (1971) and In re Brooks' Estate, 205 N.E. 2d 435 (1965); treatment deemed necessary and appropriate by the professional staff of the institute, including medication, may be administered to this judicially committed patient notwithstanding his objections and without the necessity of further court order.

CDP/a