

MAINE STATE LEGISLATURE

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STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-89-088

PAUL BATES, et al.,

Plaintiffs

v.

COMMISSIONER,
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants

COURT MASTER'S
REPORT

Pursuant to Paragraph 299 of the Consent Decree, I report as follows regarding the operation of Riverview Psychiatric Center:

Since the date of my last report, September 5, 2014, I have conducted a site visit at the hospital with the assistance of Elizabeth Jones, a consultant and former receiver of the hospital. Her findings and recommendations are attached hereto. In addition, with the assistance of the Department and hospital staff, I have developed further information regarding the occurrence of coercive events at the hospital during calendar year 2013 and the failure to report those events.

Based on the foregoing, I suggest that the Court exercise the supervisory powers reserved in Paragraph 12 of the Consent Decree to determine the extent of the Department's non-compliance with: (1) Paragraphs 192 and 193 relating to reporting and investigating instances of patient abuse as defined in Paragraph 15(c); (2) Paragraphs 151 and 159 relating to the provision of treatment; (3) Paragraphs 182, 184, 188 and 189 relating to the use and reporting of seclusion and restraint; (4) Paragraph 202 relating to the adequacy of staffing and staffing practices.

Should the Court determine that the Department has failed to comply with any one or more of the referenced provisions, I would request that the Court take appropriate action to ensure the enforcement of the Consent Decree and the fulfillment of its terms and purposes.

Dated: November 25, 2014

Daniel E. Wathen, Court Master