

~~Attorney's Office~~

1/19

STATE OF NEW YORK
SUPREME COURT : TOMPKINS COUNTY

In the Matter of the Application of Cayuga Medical
Center at Ithaca, Inc., for an Order Authorizing the
Medication Over Objection of

PETITION

Index No. 2016-0832

RJI No. CI2016-30228

BONZE ROSE ANN BLAYK

a patient of Cayuga Medical Center

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

The Petition of Bernice Miller respectfully shows that:

1. I am the Interim Director of the Mental Health Unit of Cayuga Medical Center.
2. I have custody of the records of the treatment of **BONZE ROSE ANN BLAYK**, who is a patient at Cayuga Medical Center.
3. On December 25, 2016, the patient was admitted to Cayuga Medical Center pursuant to Section 9.39 of the Mental Hygiene Law. This Petition is submitted in support of Cayuga Medical Center's application pursuant to Section 33.03 of the Mental Hygiene Law at 14 NYCRR Part 527.8 to treat the patient over her objection.
3. The patient is presently suffering from a mental illness.
4. The patient has been evaluated by Drs. Ehmke, M.D. and Lowry, M.D., each of whose affidavits are submitted herewith. Each of the doctors has indicated that the patient is in need of involuntary care and treatment, that the patient poses a substantial threat of harm to herself or others; that the doctor has considered alternative forms of treatment and has deemed them inadequate.
5. I have reviewed the treating physicians' affidavits and agree with their respective evaluations that retention is in the patient's best interest, and that the patient lacks the capacity to make a reasoned decision concerning treatment.
6. On the basis of these evaluations, an Order of the Court is requested that would permit the treatment over objection of **BONZE ROSE ANN BLAYK**, at Cayuga Medical Center or at another facility, for a period of sixty (60) days from the date of the Order following the hearing.
7. Upon information and belief, the patient will be able to attend any proceeding held in regard to the motion, but will be unable to represent herself. It is therefore requested that as part of the Order to Show Cause herein, the Mental Hygiene Legal Service be appointed as counsel for the patient.

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8. An Order to Show Cause is requested herein for the purpose of assuring prompt and expeditious consideration of the proceeding, returnable before the Court at the earliest possible date.

9. No previous application has been made for the relief sought herein.

WHEREFORE, Petitioner prays that:

1. The Order to Show Cause submitted herewith be signed by the Court;

2. The Mental Hygiene Legal Service be appointed as counsel to protect the interest of the patient;

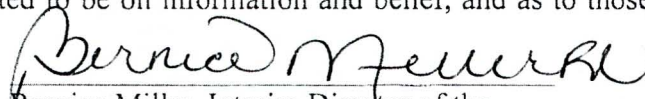
3. An Order of the Court be granted to allow petitioner or any other hospital or psychiatric facility at which respondent is or hereafter may be a patient to administer such medications to, take such routine blood draws from, and administer standard laboratory tests/screens (including weekly CBC with differential if on clozapine, clozaril), physical examinations, check vital signs, necessary medical assessments and consultations, the ability to treat any emergent medical conditions such as dehydration with IV fluids or to treat identification infections with antibiotics, the ability to provide nutrition if deteriorating, the ability to give feeding tubes/PEG tubes if medically required, and to conduct other diagnostic tests such as MRI or other imaging deemed necessary to monitor patient's well-being and deemed to be in her best interests by her treating psychiatrist over **BONZE ROSE ANN BLAYK**'s objection as deemed to be in her best interests by her treating psychiatrist pursuant to Mental Hygiene Law§ 33.03 and 14 N.Y.C.R.R. Part 527.8 for a period of 60 days following the date of the hearing, and it is further,

4. The Petition be granted such other and further relief as the Court may deem just and proper.

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

Bernice Miller, being duly sworn deposes and says:

That I am the Interim Director of the Mental Health Unit of Cayuga Medical Center; that I have read the foregoing Petition and know the contents thereof and that the same is true to my own knowledge, except as to matters therein stated to be on information and belief, and as to those matters, I believe them to be true.


Bernice Miller, Interim Director of the
Mental Health Unit of Cayuga Medical Center

Sworn to before me the
29 day of December, 2016


NOTARY PUBLIC

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STATE OF NEW YORK
SUPREME COURT: TOMPKINS COUNTY

In the Matter of the Application of

Chief Executive Officer of Cayuga Medical
Center, Behavioral Services Unit

For an Order

Authorizing the Involuntary Treatment of

Bonze Anne Rose Blayk
a Patient at Cayuga Medical Center

AFFIDAVIT IN SUPPORT
OF APPLICATION TO
TREAT OVER OBJECTION;
PATIENT BELIEVED TO
LACK CAPACITY TO MAKE
REASONED DECISIONS
CONCERNING TREATMENT

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

Clifford J. Ehmke, M.D., being duly sworn, deposes and says:

1. I am a physician duly licensed to practice in the State of New York.
2. I submit this affidavit in support of the application to treat Bonze Anne Rose

Blayk over her objection.

3. I am familiar with the patient Bonze Anne Rose Blayk in that (check which applies)

☒ I am ~~his~~ her treating physician.

☐ I have reviewed the decision of her physician to treat over her objection by reviewing her medical records and by interviewing the patient.

4. It is my opinion and belief that patient Bonze Anne Rose Blayk is not competent to make reasoned decisions concerning her treatment. The basis for this opinion is described in the attached "Evaluation for Treatment Over Objection" appended hereto and incorporated herein by reference.

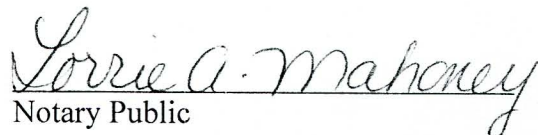
5. It is my opinion that it would be in the best interests of the patient to be treated according to the proposed treatment outlined in the attached "Evaluation for Treatment Over Objection".

6. For the above reasons, I respectfully request this Court grant the application for authorization of treatment of Bonze Anne Rose Blayk.



Signature of Physician

Sworn to before me this
29 day of December, 2016


Notary Public

Lorrie A. Mahoney
Notary Public, State Of New York
No. 01MA6149952
Qualified in Tompkins County
Commission Expires 7/17/2018

EVALUATION FOR TREATMENT OVER OBJECTION

Patient Identifying Information:

Name: Bonze Anne Rose Blayk

Status: Involuntary 9.39

Unit: 2N

DOB: 05/01/1956

SECTION I – CLINICAL ASSESSMENT

CLINICAL SUMMARY:

The patient is a 60 y.o. divorced, white male to female transgender with a history of psychotic illness who was transported to the hospital by the police on December 25, 2016 following an altercation she allegedly started at a local gas station. The patient presented as agitated and paranoid and, since admission, has continued to be uncooperative with evaluation or treatment. The best we can ascertain, given her limited willingness to share relevant history, is that she has been removed from her local apartment, as well as several hotels and short-stay residential settings, presumably due to agitation and paranoia. The patient is delusional, claiming to be a federal government employee who is a victim of persecution from an international computer hacking ring called "The Black Hat Crackers." She is suspicious, hostile and non-compliant, refusing group activities, one-to-one interviews and medications. She is not able to participate in either treatment or meaningful discharge planning.

PATIENT DIAGNOSIS:

Unspecified Psychotic Disorder

SECTION II – PROPOSED TREATMENT

1. Course of treatment recommended by treating physician:

We are recommending psychiatric hospitalization and medication treatment.

2. Reasonable alternatives, if any

none

3. Has patient been tried on proposed treatment?

- a. If yes, state when: The patient was briefly hospitalized psychiatrically at CMC in 2002.
- b. State result: He was quickly stabilized on antipsychotic medication and discharged back to the community.

4. Has patient been tried on other treatments?

- a. If yes, state when: Yes, currently.
- b. State results: Since admission he has been receiving conservative milieu, inpatient treatment, however, he has failed to respond.

5. Anticipated benefits of proposed treatment:

Reduction in symptoms

Improved functioning

Patient could be treated in a less restrictive setting

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6. Reasonably foreseeable adverse effects: Antipsychotic treatment is associated with weight gain, potential movement disorders and cardiac conduction changes.

a. Patient at additional risk? No, he is physically healthy.

7. Prognosis without treatment: poor

We wish to begin with please see attached schedule

SECTION III – PATIENT’S CAPACITY

1.	Explained to Patient	<u>Yes</u>	<u>No</u>
a.	Condition	X	
b.	Proposed treatment	X	
c.	Anticipated benefits of treatment	X	
d.	Risk of adverse effects of treatment	X	
e.	Availability (if any) of other treatments and comparison of benefits and risks with proposed treatment.	X	

DID NOT EXPLAIN CONDITION AND/OR TREATMENT TO PATIENT FOR THE FOLLOWING REASONS:

2. State nature of patient's objections to treatment. Use patient's own words wherever possible.

"I am not incompetent. You're not a doctor."

3. Opinion on patient's capacity – ("Capacity is defined to mean the patient's ability to factually and rationally understand and appreciate the nature and consequences of proposed treatment including the benefits, risks and alternatives to the proposed treatment, and to thereby make a reasoned decision about undergoing the proposed treatment.)

a. The patient does not appear capable of making a reasoned decision about the proposed treatment in that:

i. The patient does not appear to understand her condition or proposed benefits, risks, or alternatives of proposed treatment. She is psychotic and delusional.

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SECTION IV – POTENTIAL FOR DANGEROUS BEHAVIOR (To be completed only if the patient is considered likely to be dangerous to self or others without the proposed treatment.)

1. The patient is believed to be potentially dangerous to others:

Yes _____ X _____ No _____

If yes, provide basis for opinion: The patient is easily agitated. He stuck his finger in Dr. Rahman's face during his intake examination.

2. The patient is believed to be potentially dangerous to herself.

Yes _____ X _____ No _____

If yes, provide basis for opinion: The patient is functioning significantly below her baseline. She is now homeless and will not allow us to secure any sort of safe, secure placement for her in the community.

SECTION V – ANY OTHER PERTINENT INFORMATION OR COMMENTS.

N/A

Dated: December 29, 20 16

Clifford J. Ehmke MD
Physician's Signature

Clifford J. Ehmke MD
Printed Physician's Name

Psychiatrist
Title

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Patient: Bonze Anne Rose Blayk
Date: 12/29/2016

Prepared by: Clifford J. Ehmke, MD

Attachment 1

Schedule of proposed medications (given orally unless indicated)

Antipsychotic Medications:

Haldol 2-15mg/day orally or by injection, or as decanoate injection 50-200mg/month
or
Chlorpromazine 25 - 800 mg daily orally or by injection
or
Risperdal 2-6mg/day orally or as Consta preparation 25-50mg by injection each 2 weeks;
or
Geodon 40-240mg/day, orally or as injection;
or
Invega 3-9mg daily orally, or by Sustenna injection each month 117-234mg
or
Abilify 10-20mg daily orally, or by equivalent Maintena injection 400mg each month
or
Zyprexa 2.5 to 20 mg daily orally or by injection

And to treat possible medication side effects:

Cogentin 0.5-6mg/day orally or by injection
or
Benadryl 25-100mg/day orally or by injection

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STATE OF NEW YORK
SUPREME COURT: TOMPKINS COUNTY

In the Matter of the Application of

Chief Executive Officer of Cayuga Medical
Center, Behavioral Services Unit

For an Order

Authorizing the Involuntary Treatment of

Bonze Anne Rose Blayk
a Patient at Cayuga Medical Center

AFFIDAVIT IN SUPPORT
OF APPLICATION TO
TREAT OVER OBJECTION;
PATIENT BELIEVED TO
LACK CAPACITY TO MAKE
REASONED DECISIONS
CONCERNING TREATMENT

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

Timothy P. Lowry, M.D., being duly sworn, deposes and says:

1. I am a physician duly licensed to practice in the State of New York.
2. I submit this affidavit in support of the application to treat Bonze Anne Rose

Blayk over her objection.

3. I am familiar with the patient Bonze Anne Rose Blayk in that (check which applies)

_____ I am his/her treating physician.

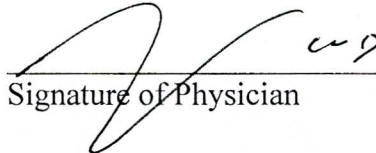
 x I have reviewed the decision of his/her physician to treat over his/her objection by reviewing his/her medical records and by interviewing the patient.

4. It is my opinion and belief that patient Bonze Anne Rose Blayk is not competent to make reasoned decisions concerning his/her treatment. The basis for this opinion is described in the attached "Evaluation for Treatment Over Objection" appended hereto and incorporated herein by reference.

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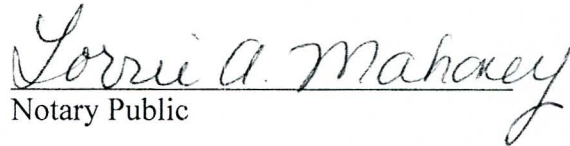
5. It is my opinion that it would be in the best interests of the patient to be treated according to the proposed treatment outlined in the attached "Evaluation for Treatment Over Objection".

6. For the above reasons, I respectfully request this Court grant the application for authorization of treatment of Bonze Anne Rose Blayk.



Signature of Physician

Sworn to before me this
29 day of December, 20 16



Notary Public

Lorrie A. Mahoney
Notary Public, State Of New York
No. 01MA0149952
Qualified in Tompkins County
Commission Expires 7/17/2018

13/19

EVALUATION FOR TREATMENT OVER OBJECTION

Patient Identifying Information:

Name: Bonze Anne Rose Blayk

Status: Involuntary 9.39

Unit: 2N

DOB: 05/01/1956

SECTION I – CLINICAL ASSESSMENT

CLINICAL SUMMARY:

The patient is a 60 y.o. divorced, white male to female transgender with a history of psychotic illness. She was brought to the hospital by the police on December 25, 2016 following an altercation she allegedly started at a local gas station. She was agitated and paranoid. Since admission, has been uncooperative with evaluation or treatment. We have gathered that she has been evicted from multiple housing arrangements, likely due to agitation and paranoia. She is delusional, and claims to be a federal government employee who is a victim of persecution from an international computer hacking ring called "The Black Hat Crackers." She is suspicious, hostile and non-compliant. She refuses group activities, one-to-one interviews and medications. She is not able to participate in either treatment or meaningful discharge planning.

PATIENT DIAGNOSIS:

Unspecified Psychotic Disorder

SECTION II – PROPOSED TREATMENT

1. Course of treatment recommended by treating physician:

We are recommending psychiatric hospitalization and medication treatment.

2. Reasonable alternatives, if any

none

3. Has patient been tried on proposed treatment?

- a. If yes, state when: The patient was briefly hospitalized psychiatrically at CMC in 2002.
- b. State result: He was quickly stabilized on antipsychotic medication and discharged back to the community.

4. Has patient been tried on other treatments?

- a. If yes, state when: Yes, currently.
- b. State results: Since admission she has been receiving conservative milieu, inpatient treatment, but she has failed to respond.

5. Anticipated benefits of proposed treatment:

Reduction in symptoms

Improved functioning

Patient could be treated in a less restrictive setting

6. Reasonably foreseeable adverse effects: Antipsychotic treatment is associated with weight gain, potential movement disorders and cardiac conduction changes.

a. Patient at additional risk? No, she is physically healthy.

7. Prognosis without treatment: poor

We wish to begin with please see attached schedule

SECTION III – PATIENT’S CAPACITY

1.	<u>Yes</u>	<u>No</u>
a. Condition		X
b. Proposed treatment		X
c. Anticipated benefits of treatment		X
d. Risk of adverse effects of treatment		X
e. Availability (if any) of other treatments and comparison of benefits and risks with proposed treatment.		X

DID NOT EXPLAIN CONDITION AND/OR TREATMENT TO PATIENT FOR THE FOLLOWING REASONS:

Refused to speak with me, saying “If you’re not my doctor, you have no need to talk with me, do you?”

2. State nature of patient's objections to treatment. Use patient's own words wherever possible.

3. Opinion on patient's capacity – ("Capacity is defined to mean the patient's ability to factually and rationally understand and appreciate the nature and consequences of proposed treatment including the benefits, risks and alternatives to the proposed treatment, and to thereby make a reasoned decision about undergoing the proposed treatment.)

a. The patient does not appear capable of making a reasoned decision about the proposed treatment in that:

i. The patient does not appear to understand her condition or proposed benefits, risks, or alternatives of proposed treatment. She is psychotic and delusional.

SECTION IV – POTENTIAL FOR DANGEROUS BEHAVIOR (To be completed only if the patient is considered likely to be dangerous to self or others without the proposed treatment.)

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1. The patient is believed to be potentially dangerous to others:

Yes _____ X _____

No _____

If yes, provide basis for opinion: The patient is easily agitated. She stuck his finger in Dr. Rahman's face during his intake examination. Her agitation appears liable to escalate to violent action.

2. The patient is believed to be potentially dangerous to herself.

Yes _____ X _____

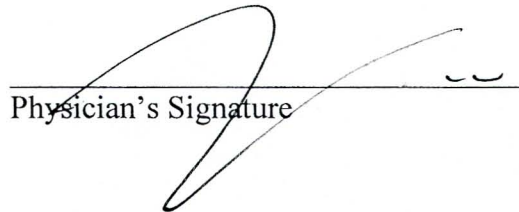
No _____

If yes, provide basis for opinion: She has impaired insight and judgment and poor impulse control that could lead to actions harmful to herself and an inability to avoid harm. She is now homeless and will not allow us to secure any sort of safe, secure placement for her in the community.

SECTION V – ANY OTHER PERTINENT INFORMATION OR COMMENTS.

N/A

Dated: Dec. 29, 2016




Physician's Signature

Timothy P. Lowry MD

Printed Physician's Name

Psychiatrist
Title

18/19



Index #: 2016-0832 CI2016-30358
12/29/2016 03:44:50 PM
PROPOSED ORDER TO SHOW CAUSE
Maureen Reynolds, Tompkins County Clerk

At an Ex Parte Term of the
Supreme Court, held in and for
the County of _____,
County Courthouse,

_____, New
York, on the ____ day of
_____, 201__

STATE OF NEW YORK
SUPREME COURT : TOMPKINS COUNTY

In the Matter of Cayuga Medical Center at Ithaca,
Inc. for an Order Authorizing the Medication Over
Objection of

BONZE ANNE ROSE BLAYK

a patient of Cayuga Medical Center

ORDER TO SHOW CAUSE
Index No. 2016-0832
RJI No. CI2016-30228

Upon reading the attached Petition for an Order authorizing medication over objection,
executed and sworn to by Bernice Miller on December ___, 2016, and the accompanying
affidavits of Dr. Clifford J. Ehmke, M.D. sworn to December 29, 2016 and Dr. Timothy P.
Lowry, M.D., sworn to December 29, 2016, and sufficient cause thereby appearing to this
Court, it is hereby

ORDERED, that the patient **BONZE ROSE ANN BLAYK** shall show cause before
this Court at a Special Term thereof to be held in and for the County of Tompkins at the
Courthouse, 320 N. Tioga Street, Ithaca, New York on the 3 day of January 2017
at 2:00 p.m. or as soon thereafter as counsel can be heard why an Order should not be issued
pursuant to Mental Hygiene Law Section 33.03 and 14 NYCRR Part 527.8 to allow petitioner
or any other hospital or psychiatric facility at which respondent is or hereafter may be a patient
to administer such medications to, take such routine blood draws from, administer standard
laboratory tests/screens (including weekly CBC with differential if on clozapine, clozaril),
physical examinations, check vital signs, necessary medical assessments and consultations, the

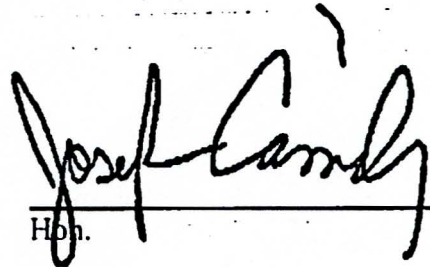
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ability to treat any emergent medical conditions such as dehydration with IV fluids or to treat identification infections with antibiotics, the ability to provide nutrition if deteriorating, the ability to give feeding tubes/PEG tubes if medically required, and to conduct other diagnostic tests such as MRI or other imaging deemed necessary to monitor patient's well-being and deemed to be in her best interests by her treating psychiatrist; and it is further

ORDERED, that Mental Hygiene Legal Service be appointed as attorney for the patient to represent her interests in this proceeding; and it is further

ORDERED, that personal service of a copy of this Order to Show Cause by an employee of Cayuga Medical Center, together with the papers upon which it is based, upon the patient, and service upon her, on or before the 31 day of December, 2016, shall be deemed good and sufficient service hereof.

Dated: December 29, 2016


Hon. _____

ENTER.

BLAYK, BONZE ANNE ROSE
A00082793308 M000597460
05/01/1956 60 F
Ehmke, Clifford BSU 202-01

STATE OF NEW YORK
SUPREME COURT : TOMPKINS COUNTY

In the Matter of the Application of Cayuga Medical
Center, for an Order Authorizing the Treatment Over
Objection of

BONZE ANNE ROSE BLAYK

a patient of Cayuga Medical Center

ORDER

Index No. 2016-0832

RJI No. 2016-

Hon. Joseph R. Cassidy

The above named patient having been hospitalized since December 24, 2016 and thereafter retained pursuant to the Mental Hygiene Law; and

The patient having signed a request for a hearing seeking release from the facility under the Mental Hygiene Law which was filed with the Supreme Court; and

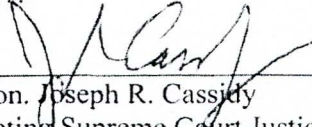
The Cayuga Medical Center at Ithaca, Inc. having petitioned this Court for authorization to administer such medications to, to take such routine blood draws from and otherwise treat the patient over her objection as deemed to be in her best interests by her treating psychiatrists pursuant to Section 33.03 of the Mental Hygiene Law and 14 NYCRR Part 527.8; and,

A hearing having been held on January 3, 2017, at which the patient (who declined to appear) was represented by the Mental Hygiene Legal Service, A. Laura Bevacqua, Esq., of counsel, and the Cayuga Medical Center having appeared by Harris Beach PLLC, Thomas P. Smith, Esq., of counsel, and testimony of the patient's treating physician, Dr. Clifford J. Ehmke, M.D., having been received and considered; and due deliberation thereupon having been had;

The Court having found that the petitioner has met its burden by clear and convincing evidence that the patient is mentally ill; that the patient lacks the capacity to recognize the need to take the medications and treatment prescribed by the treating physician; that there is no less intrusive alternative treatment for this patient; and that it is in the interest of the patient that certain medications and tests be administered to the patient despite the patient's objection thereto; and that without the medication and tests the patient would pose a substantial risk of danger to himself or to others; it is

ORDERED, that the patient's request for release is denied and the Cayuga Medical Center, and any other medical facility to which the patient is transferred, be and hereby is authorized to administer to Bonze Anne Rose Blayk for treatment of her mental illness the medications as described in the schedule admitted into evidence as Petitioner's Exhibit 1 attached hereto and incorporated herein by reference and to take such routine blood draws from and administer other necessary diagnostic tests for sixty days from the date of this Order.

So ordered this 5 day of January 2017.


Hon. Joseph R. Cassidy
Acting Supreme Court Justice

BLAYK, BONZE ANNE ROSE
A00082793308 M000597460
05/01/1956 60 F
Ehmke, Clifford BSU 202-01

Patient: Bonze Anne Rose Blayk
Date: 12/29/2016

Prepared by: Clifford J. Ehmke, MD

Attachment 1

Schedule of proposed medications (given orally unless indicated)

Antipsychotic Medications:

Haldol 2-15mg/day orally or by injection, or as decanoate injection 50-200mg/month
or
Chlorpromazine 25 - 800 mg daily orally or by injection
or
Risperdal 2-6mg/day orally or as Consta preparation 25-50mg by injection each 2 weeks;
or
Geodon 40-240mg/day, orally or as injection;
or
Invega 3-9mg daily orally, or by Sustenna injection each month 117-234mg
or
Ablify 10-20mg daily orally, or by equivalent Maintena injection 400mg each month
or
Zyprexa 2.5 to 20 mg daily orally or by injection

And to treat possible medication side effects:

Cogentin 0.5-6mg/day orally or by injection
or
Benadryl 25-100mg/day orally or by injection

