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Law allowing forced treatment of addicts controversial, personal

It has raised questions of ethics, fairness over cost relatives could use to try to help adult addicts who were spiraling out of control.

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An Ohio law that allows families to force a loved one into addiction treatment has been used only once since it went into effect in March.

Though the law is new, it has created debate about whether involuntary treatment will work and if the law is

unfair because it is available only to families who can afford to foot the bill.

The Cuyahoga County case, which involved a young woman with a severe alcohol-abuse problem, is the only one in which an Ohio court has forced an adult into treatment.

That case seems to have had a positive outcome, with the woman agreeing to continue treatment be-

yond the court-ordered time frame, said Cuyahoga County Probate Magistrate David Mills.

The law roughly mirrors a similar measure passed in Kentucky eight years ago after 23-year-old Matthew "Casey" Wethington died of a heroin overdose.

Wethington's mother, Charlotte, pushed for change because she felt there were very few tools that

Parents, she said, are desperate to intervene to help their children. "Most parents do not want to see their children incarcerated in order for them to get help for a disease," Wethington said.

However, Wethington is perplexed by one important way in which Ohio's law differs from the one passed in Kentucky.

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ADDICTS

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Law raises questions of ethics and fairness

Ohio's law requires family members to sign an upfront agreement that they will pay the total bill for treatment and give the court a deposit for half the amount.

Mills said the court has gotten many inquiries but that the conversation often ends once the costs, often thousands of dollars, are explained.

In the Cuyahoga County case, the woman's family had to deposit \$8,000 with the court and agree to pay the total cost of treatment, which could be double that or more.

Bill Denihan, chief executive officer of Cuyahoga County's Board of Alcohol, Drug Addiction and Mental Health Services, said that while the board supports helping those in need, limiting the option to families with means is troublesome.

"While we have problems with this, we don't chastise the intent to try and help someone who needs help," Denihan said. "But this is for those that have money. The question we have is what about those who don't have money? How is this fair and equitable?"

Wethington said that the Kentucky law places the responsibility for setting up and covering costs of drug and alcohol assessments and treatment on the person asking the court to intervene.

But they are not obligated to pay up front and can use insurance or find a free treatment program.

Another debate centers on giving a court the authority to force people to get treatment they may not want, which could be challenged as a civil rights violation.

Historically, laws have existed to involuntarily commit to hospitals people with mental illness who are seen as a danger to themselves or others.

Courts and professionals must determine that the danger is pressing.

Laws on detainment found to vary widely

Up to 38 states have some type of law that allows an addict to be temporarily detained, according to a study presented in 2011 to the American Psychiatric Association.

But the laws and what they allow vary tremendously, according to published interviews with the study's author, Dr. Debra Pinals, an associate professor of psychiatry at the University of Massachusetts Medical School.

In some states, police can pick up an addict for a short period of time; others allow for a few days of involuntary hospitalization.

In some instances states, like Ohio, allow for longer periods — sometimes months — of involuntary commitment to treatment.

State laws also contain a hodgepodge of standards for an addict to be committed, including danger to oneself, grave disability and failure to manage personal affairs.

In Ohio, a probate judge or magistrate is supposed to decide whether a person is a danger, with the opinion of a doctor or treatment professional, when possible.

But the Ohio Association of

County Behavioral Health Authorities chose not to support the law because of concerns about how those decisions would be made and whether they impinged on civil liberties.

Denihan, whose agency is required to provide the Cuyahoga Probate Court with a list of local agencies that have agreed to treat people committed by the court, said the law also runs counter to a central tenet of addiction recovery — that it be voluntary.

"Locking up and forcing people to be treated is challenging," he said, noting that most treatment facilities are not secure. "They have to want to be there."

Wethington disagrees.

Doctors and treatment providers told her after her son overdosed that he needed to "want" to get better and that he needed to "hit rock bottom" first.

"While we were waiting for that, Casey died," she said. "For him, the ultimate bottom was death. I don't want more people dying from addiction."

What if your child had cancer? mother asks

In 2011, 106 people died in Cuyahoga County of unintentional heroin overdoses, a number that has steadily risen since 2003.

Addiction, Wethington said, is a disease like others, except for the fact that the response to it is partially shaped by the notion that addicts are somehow more responsible for their disease.

"Would you be told you shouldn't help or advocate if your child had cancer or diabetes?" she asked.

"The goal is to save people's lives," she said. "That is the goal with any disease. But we have to keep people alive for them to recover."

Some argue that a person's judgment and decision-making ability can be so clouded by addiction that forcing them at least to detoxify may help them make a decision to get help.

Jessica Berg, a Case Western Reserve University law and bioethics professor, said addiction can cause great damage to families and to finances.

But she is curious how "danger" will be interpreted and whether addicts will have the right to argue against the claims of their family members that they are unable to make their own decisions. A great many addicts function for years or decades with their disease, she said.

The law does give the person whom family members are trying to force into treatment the right to an attorney.

Dr. Stuart Youngner, chairman of the department of bioethics at CWRU, said that because of a dysfunctional health care system and the unwillingness of society to have a larger discussion about drug use, these types of decisions are being foisted on a court system.

Traditionally, he said, involuntary commitments are reserved for very serious situations and are given narrow time frames because society places value on people's freedom to make decisions — and to be held accountable for them, like when they commit crimes.

"It is stepping down a slippery slope," he said.

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