

4. Perjured Application for Treatment Over Objection
(9/28/18)



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Mental Hygiene Legal Service
State Office Building 15th Floor
44 Hawley Street - Room 1509
Binghamton, New York 13901-4435

Sheila E. Shea
Director

(607) 240-5360
Fax (607) 240-5825

Shannon Stockwell
Deputy Director

Richard J. Wenig
Principal Attorney

NB: Underscored words indicate errors and misstatements of fact. - AnneRose Blayk

Bonze Blayk

2019.02.09 12:00:52
-05'00'

November 5, 2018

Bonze Anne Rose Blayke
1668 Trumansburg Rd.
Ithaca, NY 14850

Dear Ms. Blayke:

Enclosed, as requested, you will find the Rivers proceeding and Order.

Very Truly Yours,

Sheila S. Shea, Esq., MHLS Director

By

Kristin Snyder
Senior MHLS Attorney

STATE OF NEW YORK
COUNTY COURT: TOMPKINS COUNTY

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

BONZ ANNE ROSE BLAYK,

a patient of Cayuga Medical Center

NOTICE OF ENTRY

Index No. 2018-0315

RJI No. 2018-0466-Z

PLEASE TAKE NOTICE that the within is a true copy of an order and judgment duly
made on October 5, 2018 and entered in the Tompkins County Clerk's Office on October 5,
2018.

Dated: Ithaca, New York
October 5, 2018

HARRIS BEACH PLLC

Thomas P. Smith, *of counsel*
Attorneys for Cayuga Medical Center
119 East Seneca Street
P. O. Box 580
Ithaca, New York 14851-0580
(607) 273-6444

TO: Mental Hygiene Legal Services
Kristin Snyder, *of counsel*
Attorneys for BONZ ANNE ROSE BLAYK
44 Hawley Street
Binghamton, New York 13901



Index #: 2018-0315 CI2018-18970

10/09/2018 03:08:35 PM

ORDER

Maureen Reynolds, Tompkins County Clerk

STATE OF NEW YORK
COUNTY COURT : TOMPKINS COUNTY

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

BONZ ANNE ROSE BLAYK

a patient of Cayuga Medical Center

ORDER

Index No. 2018-0315

RJI No. 2018-0466-Z

Hon. Scott Miller

The above named patient has been hospitalized at Cayuga Medical Center since September 24, 2018 and is currently involuntarily retained pursuant to the Mental Hygiene Law; and

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 the patient's objection as deemed to be in the patient's best interests by the patient's 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 October 5, 2018, at which ~~[the patient appeared and testified]~~[the patient was given the opportunity to appear but refused to do so] and was represented by the Mental Hygiene Legal Service, Kristin Snyder, 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 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, procedures 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 self or to others; it is

Due to the extreme damage inflicted on 9/19, with torn tendons, a fractured rib, my left side massively bruised, and my left arm swollen to twice its size, I was entirely incapable of donning a blouse. I should present topless in court? I don't think so. Maybe I should have shown up wearing a sheet? Really?

I had a conversation of some fifteen minutes with my MHLS lawyer, and trusted in her ability to put forward my side of this case.

ORDERED, that the patient be retained, transferred to and retained for care and treatment at Cayuga Medical Center or a hospital under the jurisdiction of the Department of Mental Health and that 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 the patient's 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 administer standard laboratory tests/screens (including weekly CBC with differential if on clozapine or 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 identified 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 for sixty days from the date of this Order.

So ordered this 5th day of October, 2018.


Hon. Scott Miller
County Court Justice, Acting

Patient: Bonze Anne Rose Blayk
Date: 09/25/2018

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
Fluphenazine 2-30 mg/day orally or by injection, or as decanoate injection 12.5-
100mg/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

EXHIBIT

Petitioner's
2

COUNTY COURT OF THE STATE OF NEW YORK
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

AFFIRMATION

Index No. 2018-0315

Kristin M. Snyder, an attorney licensed to practice law in the State of New York, hereby affirms under the penalty of perjury:

1. I am a Senior Attorney on the staff of the Mental Hygiene Legal Service (MHLS) for the Third Judicial Department, Sheila E. Shea, Esq., Director. The MHLS represents **BONZE ANNE ROSE BLAYK** pursuant to Article 47 of the Mental Hygiene Law.

2. By Order to Show Cause dated October 01, 2018, and Petition dated September 28, 2018, the Cayuga Medical Center applied to this Court for an Order authorizing the involuntary treatment of **BONZE ANNE ROSE BLAYK**, including but not limited to the administration of medication as prescribed by her treating physician.

3. The MHLS has interviewed **BONZE ANNE ROSE BLAYK** and informed her of her rights with respect to the application of the Cayuga Medical Center.

4. **BONZE ANNE ROSE BLAYK** demands a hearing with respect to the allegations contained in the petition and supporting documentation.

5. The Court of Appeals held in Rivers v. Katz (67 NY2d 485, 497) that in order to authorize the involuntary treatment of an objecting patient, the hospital must prove that:

- a. the patient lacks the capacity to make a reasoned decision with respect to the proposed treatment; and
- b. the proposed treatment is narrowly tailored to give substantive effect to the patient's liberty interest, taking into consideration all relevant

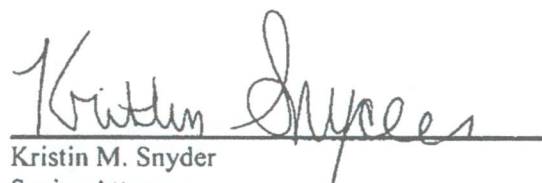
circumstances, including (1) the patient's best interests, (2) the benefits to be gained from the treatment, (3) the adverse side effects associated with the treatment, and (4) any less intrusive alternative treatments.

6. The hospital bears the burden of proving the foregoing by clear and convincing evidence.

Rivers v. Katz, supra, at 498.

WHEREFORE, the MHLS respectfully requests that this Court conduct a hearing in the within proceeding.

DATED: October 01, 2018
Binghamton, New York


Kristin M. Snyder
Senior Attorney

At an Ex Parte Term of the
County Court, held in and for the
County of Tompkins, County
Courthouse, Ithaca New York
on the ___ day of September,
2018

STATE OF NEW YORK
COUNTY 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. 2018-0315

RJI No. 2018-0466-Z

Upon reading the attached Petition for an Order authorizing medication over objection executed and sworn to by Eric Jansen on September 28, 2018, and the accompanying affidavit of Dr. Clifford Ehmke, M.D. sworn to September 25, 2018 and Dr. Askar Mehdi, M.D., sworn to September 25, 2018, and sufficient cause thereby appearing to this Court, it is hereby **ORDERED**, that the patient **BONZE ANNE ROSE 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 29th day of October 2018 at 10 a.m. 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 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, 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; 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, service upon her, on or before the 27 day of October, 2018, shall be deemed good and sufficient service hereof.

Dated October 27, 2018



Hon.

Acting County Court Judge

ENTER

Maureen
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ny Clerk
rk
at

Received From:

HARRIS BEACH LLP
119 EAST SENECA ST
ITHACA, NY 14850

Return To:

Receipt #: 18-209890
Index #: 2018-0315
Transaction #: 1171529
Payment Comment:

Plaintiff(s): CAYUGA MEDICAL CENTER AT
ITHACA

Defendant(s): BONZE ANNE ROSE BLAYK

Fees for: INDEX NUMBER APPLICATION

\$0.00

Document Desc:
Recorded: 09/28/2018 03:43:08 PM

Fees for: RJl

\$0.00

Document Desc:
Recorded: 09/28/2018 03:43:09 PM

Fees for: PROPOSED ORDER

\$0.00

Document Desc: PROPOSED ORDER TO SHOW CAUSE
Recorded: 09/28/2018 03:43:10 PM

Fees for: PETITION

\$0.00

Document Desc:
Recorded: 09/28/2018 03:43:11 PM

Fees for: CIVIL ACTION DOC

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Document Desc: AFFIDAVIT IN SUPPORT
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Fees for: CIVIL ACTION DOC

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Document Desc: AFFIDAVIT IN SUPPORT
Recorded: 09/28/2018 03:43:13 PM

Total Charges for Transaction:	\$0.00
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Payments Received:	
Change	\$0.00

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APPLICATION FOR INDEX N

TOMPKINS COUNTY CLERK
Application for Index Number
Pursuant to C.P.L.R. Section 8018 (a)



Index #: 2018-0315 CI2018-18265
09/28/2018 03:43:08 PM
INDEX NUMBER APPLICATION
Maureen Reynolds, Tompkins County Clerk

TITLE OF ACTION OR PROCEEDING

COUNTY COURT

TOMPKINS COUNTY

In the Matter of the Application of

BONZE ANNE ROSE BLAYK

a patient of Cayuga Medical Center

NAME AND ADDRESS OF

ATTORNEY FOR PLAINTIFF OR PETITIONER

Mental Hygiene Legal Service Third Judicial
Department
Kristen M. Snyder, Esq.
Mental Hygiene Legal Service
44 Hawley Street
Binghamton, New York 13901

NAME AND ADDRESS OF ATTORNEY FOR DEFENDANT OR RESPONDENT

Harris Beach PLLC
Thomas P. Smith, Esq.
119 East Seneca Street, P.O. Box 580
Ithaca, New York 14850

Title of Action or Proceeding

INDEX NUMBER

COUNTY COURT : TOMPKINS COUNTY

In the Matter of the Application of

BONZE ANNE ROSE BLAYK

a patient of Cayuga Medical Center

REQL

Supre

Index No: _____

CAPTION: E
r

In the Matter of an Application by
Cayuga Medical Center of Ithaca

Plaintiff(s) Petitioner(s)

-a ainst-

NATURE OF ACTION () PROCEEDING:
MATRIMONIAL

Check ONE box ()

LLCs, etc.)

)

TORTS

- ☐ Asbestos
- ☐ Breast Implant
- ☐ Environmental: _____ (specify)
- ☐ Medical, Dental, or Podiatric Malpractice
- ☐ Motor Vehicle
- ☐ Products Liability _____ (specify)
- ☐ Other Negligence _____ (specify)
- ☐ Other Professional Malpractice _____ (specify)
- ☐ Other Tort: _____ (specify)

ts [22 NYCRR §
DIV RJI Addendum
ition include? _____

OTHER MATTERS

SPECIAL PROCEEDINGS

STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

YES NO

Has a summons and complaint or summons w/notice been filed?

☐

☒

If yes, date filed: _____

Is this action/proceeding being filed post-judgment?

☐

☒

If yes, judgment date: _____

Box only AND enter additional information where indicated.

n : _____

Return Date _____

Return Date _____

otions, include a y related criminal a d/or Fam ly Co rt cases.
d attach the RJl Ad endum. If one, lea e blank.

Judge (if assigned) Relationship to Instant Case

PARTIES:

If add'to al s ace is required, co p ete a d attac the RJl Addendum.

For parties without an a ome , chec "Un-Re box AND enter pa address, hone number and e-mail address in "Attome s" space.

Parties:

Un-
Rep

List parties in ca tion order and
indicate party ro s(s) (e.g. defendant;
3rd-party plainti).

Attorneys:

Provide name, firm name, business address, phone number and e-mail
address of all attorneys that have appeared in the case.

Issue

Joined

(Y/N):

Insurance Carrier(s):

ayuga Medical C nter of Ithaca
st Name

st Name
nary Role:

Secondary Role (If any):

LAYK

Last Name

ONZE ANNE ROSE

First Name
Primary Role

Secondary Role (If any):

Last Name

Last Name

First Name
Primary Role:

Firm Name

Secondary Role (If any):

Street Address

City

State

Zip

Phone

Fax

e-mail

Last Name

Last Name

First Name

First Name
Primary Role:

Firm Name

Secondary Role (If any):

Street Address

City

State

Zip

Phone

Fax

e-mail

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER T AN S
HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST F J Y
FILED IN THIS ACTION OR PROCEEDING.

ABO , THERE ARE AND
TERV TION PREVIOUSLY BEEN

Dated: 09/27/2017

4980223

ATTORNEY REGISTRATION NUMBER

SIGNATURE

Thomas P. Smith

PRINT OR TYPE NAME

Print Form

C - Y



Index #: 2018-0315 CI2018-18267

09/28/2018 03:43:10 PM

PROPOSED ORDER TO SHOW CAUSE
Maureen Reynolds, Tompkins County Clerk

At an Ex Parte Term of the
County Court, held in and for the
County of Tompkins, County
Courthouse, Ithaca New York,
on the ___ day of September,
2018

STATE OF NEW YORK
COUNTY 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.

RJI No.

Upon reading the attached Petition for an Order authorizing medication over objection,
executed and sworn to by Eric Jansen on September 28, 2018, and the accompanying affidavits
of Dr. Clifford Ehmke, M.D. sworn to September 25, 2018 and Dr. Askar Mehdi, M.D., sworn
to September 25, 2018, and sufficient cause thereby appearing to this Court, it is hereby

ORDERED, that the patient **BONZE ANNE ROSE 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 ____ day of September 2018 at ____ .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 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 her

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 ____ day of September, 2018, shall be deemed good and sufficient service hereof.

Dated: September ___, 2018

Hon.

ENTER.

Cayuga Medical Center's service of this Order was defective, since they failed to provide me with a copy of the affidavits arguing for Treatment Over Objection on which it was based.

C U

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.
RJI No.

BONZE ANNE ROSE BLAYK

p Cayuga Medical Center

S
C

The Petition of Eric Jansen respectfully shows that:

1. I am the Unit Director of the Mental Health Unit of Cayuga Medical Center.
2. I have custody of the records of the treatment of **BONZE ANNE ROSE BLAYK**, who is a patient at Cayuga Medical Center.
3. On September 27, 2018, 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. Clifford Ehmke, M.D. and Askar Mehdi, 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 Anne Rose 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.

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;

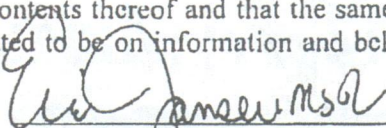
3. An Order of the Court be granted to allow petitioner or any other hospital or psychiatric facility at which respondent is or hereafter may be a patient to administer such medications to, take such routine blood draws from, and administer standard laboratory tests/screens (including weekly CBC with 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 Anne Rose 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.:

Eric Jansen, being duly sworn deposes and says:

That I am the Unit 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.


Eric Jansen

Unit Director of the Mental Health Unit of
Cayuga Medical Center

Sworn to before me the
28 day of September, 2018


NOTARY PUBLIC

ROBIN TILTON

Notary Public, State of New York
No. 01T16160254

Qualified in Tompkins County
Commission Expires February 5, 2019

HARRIS BEACH
ATTORNEYS AT LAW
19 East Seneca Street
Ithaca, New York

STATE OF NEW YORK
SUPREME COURT - TOMPKINS COUNTY

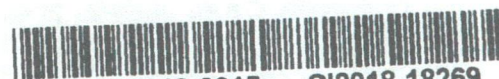
In the Matter of the Application of

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



Index #: 2018-0315 CI2018-18269

09/28/2018 03:43:12 PM

AFFIDAVIT IN SUPPORT
Maureen Reynolds, Tompkins County Clerk

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. Fhmke, 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)

X I am 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
12th day of September, 2018


Notary Public

Lorrie A. Mahoney
Notary Public, State Of New York
No. 0184519952
Qualified in Tompkins County
Commission Expires 12/31/2021

EVALUATION FOR TREATMENT OVER OBJECTION**Patient Identifying Information:**

Name: Bonze Anne Rose Blayk

Status: Involuntary

Unit: 2N

DOB: 12/26/1954

5/1/56

SECTION I - CLINICAL ASSESSMENT**CLINICAL SUMMARY**

Ms. Blayk is a 62 y.o. single, white, male-to-female, transgendered patient with a history of chronic psychotic and personality disorders, who is transferred from the Hospitalist service following acute medical stabilization of the medical sequelae which resulted from an altercation with law enforcement at a local Denny's restaurant in which she was struck in the face, resulting in nasal fracture, elevated WBCs and elevated CPK. Police apparently reacted to the patient trying to assault them. When she arrived in our ER, Ms. Blayk was agitated and combative, requiring stat administration of IM lorazepam, ziprasidone and ketamine, as well as mechanical restraint for her own and others' safety. Shortly after admission she required involuntary surgery to reduce a separated left shoulder, after refusing to cooperate voluntarily with this. On exam she is delusional, angry and hostile. In addition to refusing indicated psychiatric medication, she is also refusing antihypertensive medicine, despite systolic blood pressures that are consistently elevated, placing her at risk for stroke and heart disease.

Most recent blood pressure - 131/80

PATIENT DIAGNOSIS:**Unspecified Psychotic DO**

Regarding ketamine, which induced a prolonged psychotic state characterized by horrific hallucinations, see <https://www.psychologytoday.com/us/blog/consciousness-self-organization-and-neuroscience/201709/schizophrenia-in-vial-the-story> - "...ketamine simulates nearly all the symptoms of schizophrenia in adults.... Ostracized by the careful anesthesiologist" [Author Joel Frohlich is a neuroscience Ph.D. student at UCLA; its use was reasonable in this case.] Ziprasidone is better known by its trade name, Geodon. "GEODON intramuscular is indicated for the treatment of acute agitation in schizophrenic patients for whom treatment with ziprasidone is appropriate and who need intramuscular antipsychotic medication for rapid control of agitation." <https://www.rxlist.com/geodon-drug.htm>.

SECTION II - PROPOSED TREATMENT

1. Course of treatment recommended by treating physician:

Psychiatric hospitalization and medication with antipsychotic and antihypertensive medicines

2. Reasonable alternatives, if any

None

3. Has patient been tried on proposed treatment?

a. If yes, state when: Yes.

b. State result: She was hospitalized on the CMC BSU from December, 2016 until February 2017, under similar circumstances, and tolerated long-acting paliperidone, as ordered by the court, well, enabling us to discharge her back to the community.

Paliperidone / Invega Sustenna induces akathisia, profound sleep cycle disruption, bruxism, physical disequilibrium, and other disruptive side effects in my case, so it was not at all "well-tolerated."

4. Has patient been tried on other treatments? Yes

a. If yes, state when: She has been receiving conservative milieu inpatient care with groups and therapeutic unit programming since admission on September 24th, 2018.

b. State results: No improvement.

5. Anticipated benefits of proposed treatment:

Improved ability to negotiate her needs without aggression

Presumption of guilt

Resolution of psychosis

Patient could be treated in a less restrictive setting

6. Reasonably foreseeable adverse effects: weight gain, movement disorder, cardiac conduction changes

a. Patient at additional risk? No

7. Prognosis without treatment: poor

We wish to begin with please see attached schedule

SECTION III PATIENT'S CAPACITY

1.	<u>Explained to Patient</u>	<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	

Entirely false in every respect: a knowing lie.

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

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

"You are not my doctor. You have processed me illegally into this hospital and those were not the cops who beat me up."

Gerald Ehmke, degreed and certified or not, is certainly not *my* doctor - I did not and would not retain him as such because I deem him both incompetent *and* underhanded due to my experience with him in 2016 - and the police interactions I related which occurred prior to my takedown on 9/19/18 did *not* involve - to the best of my recall - the officer responsible for assaulting me.

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. Based on her delusional thought content and easy agitation with others

"Delusional thought content" - such as? Regarding "agitation," it's true I have a strongly negative reaction to being insulted to my face, probably more than average, but this rationalization by a professional insult artist objecting that his target is "overly sensitive" or "over-reactive" is, I suppose, something to be expected.

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.)

The patient is believed to be potentially dangerous to others:

Yes X

No _____

If yes, provide basis for opinion: Assaulted the police prior to admission.

Clearly Dr. Ehmke has no use for the doctrine of "innocent until proven guilty."

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

Yes

☒ X

No

If yes, provide basis for opinion: Likely to be assaulted by others

An outrageous assertion entirely unsupported by my actual history: bigotry.

SECTION V - ANY OTHER PERTINENT INFORMATION OR COMMENTS

Dated: September 25, 2018

Physician's Signature

Clifford J. Ehmke MD
Printed Physician's Name

Psychiatrist
Title

Patient: Bonze Anne Rose Blayk
Date: 09/25/2018

Prepared by: Clifford J. Ehmke, MD

Attachment 1

Schedule of proposed medications (given orally unless indicated)

Antipsychotic Medications ==> Neuroleptic medications

Haldol 2-15mg/day orally or by injection, or as decanoate injection 50-200mg/month

or

Fluphenazine 2-30 mg/day orally or by injection, or as decanoate injection 12.5-100mg/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

STATE OF NEW YORK
SUPREME COURT: TOMPKINS COUNTY



Index #: 2018-0315 C12018-18270

09/28/2018 03:43:13 PM

AFFIDAVIT IN SUPPORT

Maureen Reynolds, Tompkins County Clerk

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
BE INAPABLE TO MAKE
REASONED DECISIONS
CONCERNING TREATMENT

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

Askar Mehdi, 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 her treating physician

X 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.

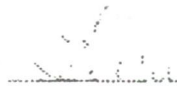
5. It is my opinion that it would be in the best interests of the patient to be treated according to the proposed treatment outlined in the attached "Evaluation for Treatment Over Objection"

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


Signature of Physician

Sworn to before me this

day of , 2018


Notary Public

Corrie A. Wanjney
Notary Public State Of New York
No. 01545149002
Qualified in Tompkins County
Commission Expires 12/31/2021

EVALUATION FOR TREATMENT OVER OBJECTION

Patient Identifying Information:

Name: Bonze Anne Rose Blayk

Status: Involuntary

Unit: 2N

DOB: 12/26/1954

5/1/56

SECTION I - CLINICAL ASSESSMENT

CLINICAL SUMMARY:

Ms. Blayk is a 62 y.o. single, white, transgender female patient with a history of chronic psychotic symptoms and personality disorders. Patient presented to E.D. after an altercation with law enforcement in the community which she was paranoid about and stated that she believes that person was not from law enforcement. Police apparently reacted to patient's attempt to assault. Patient suffers a nasal fracture with increased WBC and C.PK. Patient in E.D. was combative and agitated required IM medications and mechanical restraints for safety of self and others. Patient required involuntary surgery to reduce a separated left shoulder, after refusing to cooperate voluntarily. Patient was admitted and stabilized on the medical unit and then transferred from the Hospitalist service to mental health unit. On mental health unit she continues to be delusional, irritable and hostile. Patient has been refusing her indicated psychiatric and antihypertensive medicine, despite her unstable mood, delusional thinking and high blood pressures. Patient is showing no insight in her illness and has poor judgement and impaired decision making about her treatment.

Most recent blood pressure 131/80

PATIENT DIAGNOSIS:Unspecified Psychotic DOSECTION II - PROPOSED TREATMENT

1. Course of treatment recommended by treating physician

Psychiatric hospitalization and medication with antipsychotic and antihypertensive medicines.

2. Reasonable alternatives, if any

None

3. Has patient been tried on proposed treatment:

a. If yes, state when: Yes.

b. State result Patient has tolerated long-acting paliperidone in the past with similar symptomatology, as ordered by the court, responded well and was able to be discharge to the community, "discharged"

4. Has patient been tried on other treatments? Yes

a. If yes, state when: Patient has been receiving conservative milieu inpatient care with groups and therapeutic unit programming since admission on September 24th, 2018.

b. State results: No improvement.

Over one day! LOL.

5. Anticipated benefits of proposed treatment

Improved ability to negotiate her needs without aggression

Presumption of guilt - cypasted

Resolution of psychosis

Patient could be treated in a less restrictive setting

6. Reasonably foreseeable adverse effects: weight gain, movement disorder, cardiac conduction changes

a. Patient at additional risk? No

7. Prognosis without treatment: poor

We wish to begin with please see attached schedule

SECTION III PATIENT'S CAPACITY

1. <u>Explained to Patient</u>	Yes	No
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	

Entirely false in all respects.

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

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

"I need medical care and I do not need any prescription for mental health"

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. Based on her delusional thinking and easy irritability.

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: Assaulted the police prior to admission.
"Innocent until *proven* guilty"


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

Yes X No

If yes, provide basis for opinion: Likely to be assaulted by others.

Flaming bullshit, precisely repeating Dr. Ehmke's outrageous claim that I am at extreme risk ("likely") of being assaulted by... transphobic bigots? People who want to beat me up merely because I'm mildly flamboyant and a bit on the dramatic side temperamentally? Who's paranoid here? Not me: see <https://www.facebook.com/bonze.blayk> and <https://www.youtube.com/user/bonzeblayk> for examples of my public presentation since transitioning in January 2011: "100% Open."

SECTION V ANY OTHER PERTINENT INFORMATION OR COMMENTS.

Dated: September 27, 2018
Physician's SignatureAskar Mehdi, MD
Printed Physician's Name_____
Title Psychiatrist