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Panel: Hospital violated state law

Western State held
man in solitary for 20
years, committee says

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Western State Hospital's Local Human Rights Committee has found that a longtime mental patient there has spent some 20 years locked in solitary confinement in violation of state law.

"We think it is an egregious violation of human rights, and that is why we are announcing publicly [the committee's] findings that this man was secluded in violation of the law and without access to adequate mental-health treatment," said Alex R. Gulotta, executive director of the Legal and Justice Center, based in Charlottesville.

Gulotta and Nathan J.D. Veldhuis, a private attorney who has helped represent the patient in the past two years, said in interviews yesterday that his family does not wish to be identified until allegations against the mental hospital in Staunton are resolved.

In a statement yesterday, State Department of Mental Health spokesman Meghan McGuire said that the decision this week finding the hospital in violation of numerous state regulations is being reviewed. A response is due early next week.

The hospital "works hard to provide the best possible care for

Hospital

From Page A1

every one of its patients while ensuring their safety and the safety of other patients and staff around them," she said.

The conclusions about the man's care were reached after months of deliberation by the hospital's independent human-rights committee and raise new questions about the state's mental-health system.

The system has been under intense review in the wake of the Virginia Tech tragedy; federal investigations a decade ago looked into the use of seclusion and restraints in Virginia institutions.

Gulotta and Veldhuis said yesterday that their client, a Hispanic male in his 50s, has been held alone for decades in a three-part, locked cell at Western State in Staunton and denied access to other patients. Medical and psychiatric care, except during a brief period some years ago, was provided by physicians and therapists who do not speak Spanish, they said. The patient does not speak English.

The patient's teeth were removed, Veldhuis said, because of medical problems. But the patient has never been provided

Human-rights panel

A human-rights committee exists at each of the state's mental-health facilities. The independent committees are made up of mental-health advocates, professionals and other volunteers.

The committees conduct independent fact-finding examinations of patient complaints and other matters. Recommendations are acted on by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

with dentures out of fear that he would "use them as a weapon," Veldhuis said.

"But the greatest irony of this tragedy," Veldhuis said, "is that this man was allowed to leave the institution with his family, which has never neglected him, and allowed to travel to Northern Virginia alone with them with no fear that he would present a danger."

Yet the patient was returned immediately to his locked cell, where food is provided to him through a slot in a solid door, Veldhuis said. Access to the outside was allowed only within a 10-foot by 10-foot patio area off

his room that was encircled in chain link fencing.

The patio looked out over an inaccessible common area where other, unsecured patients mingled.

Thousands of medical records failed to show there was ever a plan to relocate the man in his community, which is considered a basic goal of state policy, both lawyers said. His long confinement means that "he lacks almost all socialization skills," Gulotta said.

In findings released this week, the hospital's human-rights committee that heard the patient's complaint found that he was being secluded in violation of state law; that the hospital did not document reasons for varying from state law; and that the hospital used seclusion to modify his behavior in violation of state law.

Recommendations include transferring the patient to a facility where he can be closer to his family, that he be treated by a Spanish-speaking psychiatrist, and that a treatment plan be developed to allow "increments of time out of the locked containment area."

The committee also suggested that the family be allowed to take the man to a dentist for dentures.

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