

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of the Civil Commitment of:
Charles Helmer,
Respondent

Court File Number: 19HA-PR-20-939

**ANN FULLER'S REPLY BRIEF IN
SUPPORT OF INJUNCTION AGAINST
FURTHER ADMINISTRATION OF
ELECTROCONVULSIVE THERAPY
AND NEUROLEPTIC DRUGS ON
CHARLES HELMER**

TO: THE COURT AND THE UNIVERSITY OF MINNESOTA HEALTH FAIRVIEW
RIVERSIDE HOSPITAL

FACTS

On 12/29/20, a petition was filed with the Dakota County District Court to authorize for electroconvulsive treatment (ECT) on Charles Helmer. *See Petition by Dr. Alexandra Hartley.* The petition was brought By Minnesota Health Fairview Hospital and it was prepared by Dr. Alexandra Hartley. *Id.* It was stated in the petition that the benefits of ECT outweighed the costs of said treatment. *Id.* The petition furthermore stated that the effect of ECT varies and that for schizophrenic patients, the success can be only as high as 50%. *Id.* The most profound problem with ECT is its effects on memory. *See Affidavit of Dr. Lee Coleman.* The negative effects on memory are both anterograde and retrograde (trouble remembering events that happened before the application of ECT and also trouble committing to memory events that happened after ECT). *See Petition by Dr. Alexandra Hartley.* Other problems of ECT include confusion, disorientation, dysarthric speech, lack of verbal spontaneity, and apathy. *Id.*

An order authorizing ECT was given in January 2021. *See January 8th Judicial Order*. Since starting ECT, Charles Helmer has suffered severe mental and health consequences. *See Affidavit of Charles Helmer*. He has Ocular Gyro Crisis, wherein his eyes stay up for a prolonged period of time. *Id.* Furthermore, his memory has been negatively affected. *Id.* He has trouble remembering things and is concerned that he may lose his ability to commit things/events to memory in the future. *Id.* Charles also feels very tired and unmotivated. *Id.* He is much more tired than he used to be before ECT started. *Id.* Finally, Charles is much less motivated to do his daily activities. *Id.* It should be noted that the main purpose of ECT was to help Charles do a better job at finishing his daily chores. *See Petition by Dr. Alexandra Hartley*. But ECT is having the exact opposite effect. *See Affidavit of Charles Helmer*. As such, Charles believes that it is best for ECT to be discontinued. *Id.*

Charles is also on Zyprexa and Cogentin at the moment. Charles believes that these drugs are not having any positive impacts on his mind and body, but that they are actually making him more unmotivated and lethargic. *Id.* It has also been shown that neuroleptic drugs such as Zyprexa are actually less likely to have any positive effects on a patient than if the patient were to just not be medicated with any neuroleptic drug. *See Affidavit of Robert Whittaker*. It has also been shown through various scientific studies that patients taking neuroleptic drugs are less likely to recover in the long run than their counterparts who are not on said neuroleptic drugs. *Id.* Dr. Lee Coleman, in preparation for his affidavit, has reviewed several documents including the Petition For Authorization to Impose Treatment, County of Dakota, from 9/23/2016, Minnesota District Court affidavit regarding Charles Helmer, 7/26/2018, written by Brian Godfrey, MD, County Social Services Pre-petition Screening Report by Megan Maguire, LCSW, MN Choices

Eligibility Summary, 9/10/2019, by Barb Machones, Ramsey, Fraser Diagnostic Assessment, 12/05/2019, by Barbara Cuppett, MA, Bluestone Physician Services Evaluation, 8/27/2020, by Dina Stewart MD, Fairview Ridges Emergency Department from 11/21/2020, Dakota County Petition For Appointment of Guardian, Jenny Nystrom, Asst. County Attorney, 1/2/2020, and Fairview Ridges Medical Records, Charles Helmer, from 2/9/2021

ISSUE

1. The issue here is whether or not Ann Fuller has standing to bring a motion for injunction against further administration of Electroconvulsive Therapy (ECT) and neuroleptic drugs on Charles Helmer.
2. The issue here is whether or not Dr Lee Coleman reviewed appropriate and sufficient medical and legal documents before rendering his opinion on Mr. Helmer's treatment

SHORT ANSWER

1. Ann Fuller has statutory standing/right to bring an injunction against further administration of ECT and neuroleptics drugs on Charles Helmer because, as Charles Helmer's mother, she is a valid "interested party" in this action. Also, under Minn. Stat. § 235B.17, Ann Fuller has a right to petition the court that the patient is no longer in need for continued care involving ECT and neuroleptic medication.
2. Dr. Lee Coleman reviewed sufficient medical and legal records to be able to render a professional opinion on the proper treatment for Charles Helmer

DISCUSSION

- I. **Ann Fuller has a right to make a petition to the court for injunctive relief against further ECT and administration of neuroleptic treatment on Charles Helmer as**

she is a valid “interested party” and as such can petition the court that Mr. Helmer does not need continued care in the form of ECT and neuroleptic medication

The issue here is whether or not Ann Fuller has statutory authority to bring an injunction against further administration of ECT or neuroleptic drugs on Charles Helmer. Under the Minnesota Commitment and Trust Act, an “interested person” is (1) an adult who has a specific interest in the patient or proposed patient, including but not limited to a public official, including a local welfare agency acting under section 260E.31; a health care or mental health provider or the provider's employee or agent; the legal guardian, spouse, parent, legal counsel, adult child, or next of kin; or other person designated by a patient or proposed patient; or (2) a health plan company that is providing coverage for a proposed patient. Minn. Stat. §253B.02, Subd. 10. Furthermore, under Minn. Stat § 235B.17, any interested person may petition the committing court or the court to which venue has been transferred for an order that the patient is not in need of continued care and treatment under commitment or for an order that an individual is no longer a person who poses a risk of harm due to mental illness, or a person who has a developmental disability or chemical dependency, or for any other relief. Minn. Stat § 235B.17

Ann Fuller, who is Charles Helmer’s mother, would qualify as an “interested person” due her relationship with Mr. Helmer and her interest in Mr. Helmer’s case/wellbeing. Furthermore, Ann Fuller has the right to petition the court for an injunction against further administration of Electroconvulsive Therapy and neuroleptic medication as she does not believe that such treatment is having any positive effects on Mr. Helmer and therefore Mr. Helmer is not in need for continued care in the form ECT and neuroleptic medications.

II. Dr. Lee Coleman reviewed sufficient legal and medical records of Charles Helmer to render an informed and professional opinion regarding a treatment plan for Mr. Helmer

The issue here is whether or not Dr. Lee Coleman reviewed sufficient medical and legal records to render a professional opinion on what's the best course of treatment for Charles Helmer. Dr. Coleman reviewed a variety of documents including Petition for Authorization to Impose Treatment, County of Dakota, from 9/23/2016, Minnesota District Court Affidavit regarding Charles Helmer, 7/26/2018, written by Brian Godfrey, MD, County Social Services Pre-Petition Screening Report by Megan Maguire, LCSW, MN Choices Eligibility Summary, 9/10/2019, by Barb Machones, Ramsey, Fraser Diagnostic Assessment, 12/05/2019, by Barbara Cuppett, MA, Bluestone Physician Services Evaluation, 8/27/2020, by Dina Stewart MD, Fairview Ridges Emergency Department from 11/21/2020, Dakota County Petition For Appointment of Guardian, Jenny Nystrom, Asst. County Attorney, 1/2/2020, and Fairview Ridges Medical Records, Charles Helmer, from 2/9/2021

As such, Dr. Coleman was in a position to render a professional opinion regarding an appropriate treatment for Charles Helmer.

CONCLUSION

In conclusion, Ann Fuller qualifies as an "interested person" as she is the mother of Charles Helmer and furthermore, under Minn. Stat § 253B.17, Ann Fuller has the right to bring a petition to the court seeking an injunction against further administration of ECT and neuroleptic medication. Moreover, Dr. Coleman reviewed a plethora of Charles Helmer's medical and legal documents before rendering his opinion on an appropriate treatment for Mr. Helmer.

**RESPECTFULLY SUBMITTED ON
MAY 23, 2021**

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