

U.S. Department of Justice

Civil Rights Division

U.S. v. Tennessee



MH-TN-001-002

Office of the Assistant Attorney General

Washington, D.C. 20530

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APR 4 1991

Honorable Ned McWherter
Governor of Tennessee
State Capitol
Governor's Office
Nashville, TN 37243

Interim Findings Letter Regarding Memphis Mental Health
Institute, Memphis, Tennessee

Dear Governor McWherter:

On December 12, 1990, we informed you that, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997 et seq., we were commencing an investigation into conditions of patient care and treatment at the Memphis Mental Health Institute ("MMHI") in Memphis, Tennessee. On February 19 - 21, 1991, the Department conducted a tour of MMHI with experts in the fields of psychiatry and psychiatric nursing. Our touring team examined patient records, interviewed MMHI's superintendent and numerous staff and spoke with patients. We also reviewed voluminous documents provided by the facility concerning a wide range of activities and procedures. During the tour, we were treated graciously by staff from the Department of Mental Health and Mental Retardation, the Attorney General's office and MMHI.

Even though our investigation into conditions at MMHI is still ongoing as of the date of this letter, our tour uncovered certain conditions which we believe are violating the constitutional rights of MMHI patients. For reasons that are explained below, we thought it important to immediately inform you of these conditions. This letter is, therefore, only an interim finding as the Department's investigation is still continuing. At a future date, we will provide you with a letter that will set forth in detail our complete findings and supporting facts.

Institutionalized mentally ill persons are constitutionally entitled to adequate food, clothing, shelter, medical and nursing care, a reasonably safe environment and such treatment programs as an appropriate professional would consider reasonable to

ensure a patient's safety and freedom from undue bodily and chemical restraint. Cf. Youngberg v. Romeo, 457 U.S. 307, 324 (1982). Staffing deficiencies at MMHI are precluding the full enjoyment of these rights by patients at the facility.

MMHI does not have a sufficient number of psychiatrists, nurses, or psychiatric technicians to provide even minimally adequate psychiatric treatment to MMHI patients. At the time of our tour, MMHI had only four psychiatrists providing services to patients. We were told that several psychiatrists had left MMHI within the past few months. There are simply too few psychiatrists to provide adequate treatment to MMHI patients. The ability of the psychiatrists at MMHI to provide appropriate treatment is further compromised by the fact they are supervising non-psychiatrist physicians who are prescribing psychotropic medications and treating seriously mentally ill patients.

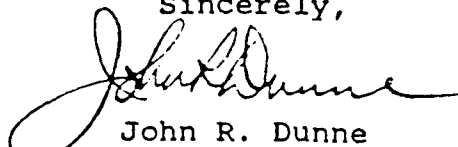
There are as well an insufficient number of nurses and psychiatric technicians to implement and monitor patient treatment plans or to provide necessary patient supervision and ensure patient safety. This has resulted, among other things, in patients being subjected to undue physical and chemical restraint in violation of the patients' Youngberg rights.

It is our understanding that the Tennessee Department of Mental Health and Retardation is planning to cut 24 direct patient service positions at MMHI as of July 1, 1991. As stated above, we found the current complement and ratio of professional, nursing and direct care staff to the patient population at MMHI to be insufficient. Further cuts in staff will exacerbate these shortages that already result in conditions that are depriving patients of their constitutional rights. In sum, additional -- not fewer -- staff are required at MMHI.

At a future date we will provide you with our complete findings and supporting facts regarding conditions or practices at MMHI which violate the constitutional rights of the patients there, along with the minimal remedial measures that may be required to correct those conditions.

Again, we appreciate the cooperation extended to us during the initial stages of our CRIPA investigation of MMHI. I hope and trust that this cooperation will continue.

Sincerely,



John R. Dunne
Assistant Attorney General
Civil Rights Division