**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS FOR THE § IN THE \_\_\_\_\_\_\_\_\_ COURT OF**

 **§**

**BEST INTEREST AND PROTECTION §**

 **§**

**OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (initials only) § \_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**ORDER TO AUTHORIZE THE ADMINISTRATION**

**OF PSYCHOACTIVE MEDICATION - FORENSIC**

On this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_, came to be heard an Application for Order to Authorize Psychoactive Medication in the above numbered and entitled cause, alleging that \_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter called "Patient," is subject to an Order of Commitment for Restoration to Competency under Chapter 46B, of the Criminal Code of Procedure, signed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, in Cause Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Attorney’s Name, Attorney representing the patient, and the Attorney for the State, announced ready, and all matters of fact and law were submitted to the Court, and the Court finds as follows:

That on file with the Court in this cause is a verified Application for Order to Authorize the Administration of Psychoactive Medication by the patient's physician, Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_. MD, who has examined the Patient and that the physician therein states the opinion and the detailed basis that the patient is in need of psychoactive medication but lacks the capacity to make a decision regarding administration of said medication and it is in patient's best interest to have psychoactive medication;

That all necessary notices and copies of the Application have been served as required by law and that all of the terms and provisions of the Texas Mental Health Code have been complied with; and

That after considering all of the evidence, including the Application and the expert, competent medical or psychiatric testimony of Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D., the Court finds by clear and convincing evidence after the hearing:

□ That the patient lacks the capacity to make a decision regarding administering of said medication and that treatment with the proposed medication is in the best interest of the patient and that the same shall be ordered.

(*consider the following alternative if patient is determined to have capacity to refuse medication)*

□ The Court finds that the patient was ordered to receive inpatient mental health services by a criminal court with jurisdiction over the patient and that treatment with the proposed medication is in the best interest of the patient and either:

(A) the patient presents a danger to the patient or others in the inpatient mental health facility in which the patient is being treated as a result of a mental disorder or mental defect as determined under section §574.1065; or

(B) the patient:

 (i) has remained confined in a correctional facility, as defined by Section §1.07, Penal code, for a period exceeding 72 hours while awaiting transfer for competency restoration treatment; and

(ii) presents a danger to the patient or others in the correctional facility as a result of a mental disorder or mental defect as determined under Section §574.1065.

The Court relied on the following evidence:

The judicial notice of criminal court’s order, in Cause Number \_\_\_\_\_\_\_\_\_\_\_, Medical Records, Criminal Records and Testimony by the physician and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and makes its determination for the following reasons:

□ the patient is a danger to the patient or others in the inpatient mental health facility, is refusing to take the medication voluntarily, the treatment is in the best medical interest of the patient, and there are not less intrusive, effective treatment alternatives.

□ the patient lacks the capacity to make treatment decisions, is refusing to take medications voluntarily, that treatment is in the best medication interest of the patient, and there are no less intrusive, effective treatment alternatives.

□ the state has an important interest in the restoration of the patient’s competence to stand trial, that the dedications are substantially likely to restore the patient’s competence to stand trial and are substantially unlikely to have side effects that may undermine a fair trial, that alternative, less intrusive treatments are unlikely to achieve the same results, and treatment is in the patient’s best medical interest.

Accordingly, **IT IS ORDERED**, pursuant to Texas Health & Safety Code §574.106, that the Texas Department of State Health Services physicians and staff, and if returned to the correctional facility to await trial, the physicians and medical staff at the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY JAIL** are authorized to administer and monitor by customary methods utilizing the prevailing standard of medical care to the patient the following class(es) of psychoactive medication(s), and it is further ORDERED that if the medications are administered by the physicians and staff at the **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY JAIL** that law enforcement is authorized to use reasonable restraint in the administration and monitoring of the medication to ensure the safety of the patient and those administering and monitoring the medications:

□ Antidepressants □ Monoamine Oxidase Inhibitors

□ Anxiolytics/Sedatives/Hypnotics □ Stimulants

□ Antipsychotics □ Miscellaneous Drugs

□ Mood Stabilizers

A list of medication within each class as determined by the Texas Health and Human Services Commission is attached as Exhibit “A.”

**IT IS ALSO ORDERED** that during the period this Order is valid, the dosage of the herein authorized class(es) of psychoactive medication can be increased or decreased, and restitution of medication authorized but discontinued and the substitution of a medication within the same class(es) are permitted.

 **IT IS FURTHER ORDERED**, in addition to the administration of such medication, the physician shall perform physical and laboratory examinations necessary to do so safely and in accordance with prevailing standards of care.

This Order expires on the earliest of the following dates:

180th day after the date the defendant was returned to the correctional facility;

The date the defendant is acquitted, is convicted, or enters a plea of guilty; or

The date on which charges in the case are dismissed.

A Copy of the Order to the Patient and the Patient’s Attorney shall serve as written notification of the court’s determination.

**SIGNED** on this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PRESIDING JUDGE**

**PROBATE COURT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

An “X” designates each Class of Medication the Court is to compel the Proposed Patient to take

**CLASSES OF PSYCHOACTIVE MEDICATIONS
AS DETERMINED BY THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION**

|  |  |
| --- | --- |
| □ **ANTIDEPRESSANTS** | □ **ANXIOLYTICS/SEDATIVE/HYPNOTICS** |
|  Amitriptyline (Elavil) |  Alparzolam (Xanax) |
|  Amoxapine (Asendin) |  Amobarbital (Amytal) |
|  Bupropion (Wellbutrin, Welbutrin SR) |  Buspirone (Buspar) |
|  Citalopram (Celexa) |  Chloral Hydrate (Noctec) |
|  Desipramine (Norpramin) |  Chlordiazepoxide (Librium) |
|  Doxepin (Sinequan, Adapin) |  Clonazepam (Klonipin) |
|  Excitalopram (Lexapro) |  Clorazepate (Tranxene) |
|  Fluoxetine (Prozac) |  Fluvoxamine (Luvox) |
|  Imipramine (Tofranil) |  Diazepam (Valium) |
|  Maprotiline (Ludiomil) |  Diphenhydramine (Benadryl) |
|  Mirtazapine (Remeron) |  Flurazepam (Dalmane) |
|  Nefazodone (Serzone) |  Hydroxyzine (Vistaril) |
|  Nortriptyline (Pamelor, Aventyl) |  Lorazepam (Ativan) |
|  Paroxetine (Paxil) |  Oxazepam (Serax) |
|  Protriptylinc (Vicactyl) |  Pentobarbital (Nembutal) |
|  Sertraline (Zoloft) |  Phenobarbital (Liminal) |
|  Trazodone (Desyrel) |  Prazepam (Centrax) |
|  Trimipramine (Surmontil) |  Temazepam (Restoril) |
|  Venlafaxine (Effexor, Effexor XR) |  Triazolam (Halcion) |
|  |  Zolpidem (Ambien) |
| □ **ANTIPSYCHOTICS** |  |
|  Aripiprazole (Abilify) | □ **MOOD STABILIZERS** |
|  Chlorpromazine (Thorazine) |  Carbamazepine (Tegretol) |
|  Clozapine (Clozaril) |  Divalproex Sodium (Depakote) |
|  Fluphenazine (Prolixin) |  Gabapentin (Neurontin) |
|  Droeridol (Inapsine) |  Lamotrigine (Lamictal) |
|  Haloperidol (Haldol) |  Lithium (Eskalith, Eskalith CR, Lithobid) |
|  Haloperidol Dccanoate (Haldol D) |  Oxcarbazepine (Trileptal) |
|  Loxapine (Loxitane) |  Mesoridazine (Serentil) |
|  Molindone (Moban) |  Topiramatic (Topamax) |
|  Olanzapine (Zyprexa) |  Valproic Acid (Depakene, Depakote) |
|  Olanzapine (Zyprexa-Zydis) |  Verapamil (Calan, Isoptin) |
|  Perphenazine (Trilafon) |  |
|  Pimozide (Orap) | □ **STIMULANTS** |
|  Quetiapinc (Seroquel) |  Amphetamine/Dextroamphetamine Mixture |
|  Risperidone (Risperdal) |  Dextroamphetamine (Dexedrine) |
|  Tiagabine (Gabatril) |  Methylphenidate (Ritalin, Ritalinsr, Concerta |
|  Thioridazine (Mellaril) |  Pempline (Cylert) |
|  Thiothixene (Navane) |  |
|  Trifluoperazine (Stelazine) | □ **MISCELLANEOUS DRUG** |
|  Ziprasidone (Geodon) |  Clomipramine (Anafranil) |
|  |  Clonidine (Catapres) |
| □ **MONOAMINE OXIDASE INHIBITORS** |  Luvoxamine (Luvox) |
|  Phenelzine (Nardil) |  Reserpine (Serpasil) |
|  Tranyleypromine (Parnate)  |  Propanolol (Inderal) |
|  |  Naltrexone (Revia) |
|  |  Pindolol (Visken)(Nonformulary) |

OTHER This category must be approved prior to inclusion in this instrument.

**Exhibit “A”**