

Judge David L.

BAZELON CENTER

for Mental Health Law

NEWS

Patient and Hospital Settle ADA Challenge to Mandatory Clothing-Removal Policy

March 10, 2009 -- Lawyers for Cassandra Sampson, a former patient at Beth Israel Deaconess Medical Center, today announced the settlement of her lawsuit challenging the hospital's mandatory clothing-removal policy as discrimination on the basis of psychiatric disability. The hospital's prior policy required certain psychiatric patients to remove all their clothing before receiving treatment. Psychiatric patients who refused to remove their clothes were forcibly stripped.

Beth Israel has adopted new policies that permit patients to remain in their own clothes unless they pose an imminent risk of injuring themselves or others. In those circumstances, forcible removal will be permitted only after other less intrusive methods to ensure safety have been unsuccessful and federal standards that limit the use of physical restraint are met.

In March 2005 Ms. Sampson went to the emergency department for treatment of severe migraines. Upon learning that she was receiving psychiatric treatment and that she had recently had thoughts of injuring herself, the hospital required her to have a psychiatric evaluation, and staff asked her to remove her clothing to be searched.

After taking off most of her clothes, Ms. Sampson explained that her history of sexual abuse made her fearful of removing her pants. She agreed to a pat-down by a doctor to confirm that she had no unsafe objects on her body. After the pat-down, however, five male guards proceeded to forcibly strip Ms. Sampson. Ms. Sampson had nightmares after the stripping and was terrified of returning to emergency rooms. The new restraint policy requires a clinical determination of necessity prior to restraint and stripping.

"What they did that day really hurt me," said Ms. Sampson. "It's nice to know that now I can feel safe going to the emergency room at Beth Israel and other people can go there and be safe too."

"Many women with psychiatric diagnoses have histories of childhood sexual or physical abuse that still haunt them," said Susan Stefan of the [Center for Public Representation](#), one of Sampson's attorneys. "If hospitals understand how frightened and vulnerable these patients can be about taking off their clothes, they can provide better, safer, and more sensitive treatment. Forcibly stripping patients, especially rape victims and individuals with post-traumatic stress disorder, is damaging, discriminatory and ultimately less safe for both the patient and the staff. Terrified patients may struggle when staff forcibly strip them, increasing the risk of injuries to everyone."

"Because of Ms. Sampson's courage, patients seeking psychiatric treatment at Beth Israel who wish to keep their clothes on will no longer have to fear the trauma and indignity of being stripped in order to receive treatment," said Karen Bower, staff attorney with the [Bazon Center for Mental Health Law](#), another of Ms. Sampson's attorneys. Ms. Sampson was also represented by attorneys from [Campbell, Campbell, Edwards and Conroy](#), a prominent law firm based in Boston.

"We hope this settlement will make clear that hospitals must comply with federal restraint requirements and anti-discrimination law before requiring psychiatric patients to remove their clothing or be disrobed by force," said Ms. Bower. "The new search policy demonstrates that there is no conflict between ensuring safety and upholding the rights of individuals with disabilities, but that both can be achieved."

The lawsuit, *Sampson v. Beth Israel Deaconess Medical Center*, sought both damages to compensate Ms. Sampson for "severe emotional and physical injuries" and to reform hospital policies regarding clothing removal for psychiatric patients. The court will retain jurisdiction to enforce the agreement for two years.

"I am glad that we settled. It's been a long process and very emotional for me. Something bad happened to me but something good came out of it for everyone," said Ms. Sampson.

The lawsuit is part of a larger movement to stop the forcible stripping of psychiatric patients. In Massachusetts, after the filing of the lawsuit, mental health consumers and advocates sought legislation to obtain restraint and seclusion regulations in all hospital settings. State Rep. Ruth Balser led the reform effort by introducing a bill requiring regulations on the treatment of psychiatric patients in emergency departments. In response, the Massachusetts Departments of Public Health (DPH) and Mental Health (DMH) jointly drafted a **statement**, which will be enforced by DPH as a licensing requirement, declaring that psychiatric patients in emergency departments have a right to retain their clothing, and that forced removal is a form of physical restraint that cannot occur unless “compelling clinical information indicating imminent risk to self or others” exists. Rep. Balser has also introduced legislation requiring the collection of data on the use of behavioral restraint in emergency departments.

See [more information about the case](#).