



## Education

# An overview of patient rights advocacy in psychiatric nursing through the film 55 Steps (Eleanor and Colette)

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There have been many films about psychiatry which have told both fictional and real-life stories. While these films are about causes, development, symptoms, and treatment methods of various psychiatric disorders, they also make positive or negative references to the health care system, treatment environment, patient-healthcare staff relationships, and ethical issues.

These films have been used for many years in the curriculum of psychiatric nursing. This study aims to draw attention to the subject of patient rights advocacy as part of psychiatric nursing based on the film *55 Steps*, which is based on a real-life story which covers involuntary hospitalization and treatment, one of the ethical issues of psychiatry.

## The Subject of the Film 55 Steps is Based On the Real-Life Story of Eleanor Riese

The 2017 film, written by Mark Bruce Rosin, directed by Bille August, and starring Helena Bonham Carter and Hilary Swank, is based on the real-life story of Eleanor Riese. The movie depicts the struggle for justice for Eleanor Riese, who was treated for mental retardation and paranoid schizophrenia for many years, against the treatment of involuntary psychiatry practices. Together with the lawyer Colette Hughes, they fight to ensure that patients have a say in their own treatment process.

The film begins with the scene showing how Eleanor is forcibly taken into an isolation room by healthcare professionals at St. Mary's Hospital and how she is given an intramuscular injection against her will. Eleanor, who is left in the isolation room after the injection, suffers a seizure under the effects of the drug and then has to urinate in pain where she is lying. In the meantime, no healthcare worker takes care of Eleanor

and she is left there until the morning. After a nurse takes Eleanor out in the morning, she directly goes to the phone and requests a lawyer from the patient rights association. The lawyer, Colette Hughes, comes to the hospital and after meeting with Eleanor, the two women begin a legal struggle against involuntary hospitalization and psychiatry treatment. The lawyer listens to Eleanor's complaints and investigates her medical history finding out that Eleanor has been given high-doses of antipsychotic medication for a long time, despite its serious side effects. Even though Eleanor reported the side effects many times, the treatment was continued.

The title of the film refers to the 55 difficult steps Eleanor took to get to the courtroom in repeated hearings after losing her first case. The long and tiring struggles of Eleanor and Colette began in 1985 and ended in 1987 with the following rule of the California Court: "...patients with psychiatric disorders also have the right to informed consent and cannot be forced to take drugs unless it is determined by a judge that they cannot make an informed decision about their medical care." Unfortunately, Eleanor, despite her own success and the success for other psychiatric patients, passed away prematurely due to the side effects of long-term drug use.<sup>(1)</sup>

## Colette Hughes and Her Journey From Psychiatric Nursing to Advocacy

Colette Hughes, who undertakes the defense of Eleanor Riese, is a San Francisco-based patient rights lawyer. Her interest in human rights began in 1962 at the age of eight and together with her father she helped to open a nursing home for disabled individuals in her neighborhood. By defending her rights as well as the rights of other students in the lawsuit

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which was filed against the school administration where she had been educated as a teenager, she helped to end the practices of searching students' lockers and taking their belongings without permission. Later Colette Hughes received a college education in nursing and worked as a nurse for 10 years. As she continued to fight against human rights violations while working as a nurse, she took part in initiatives to prevent the abuse of elderly people. After Colette Hughes finished law school in 1983, she continued her professional life as a patient rights lawyer. In 1987 she made a name for herself with cases against the involuntary treatment of individuals with psychiatric disorders, and in 1989 with cases defending individuals with psychiatric disorders against housing discrimination. Today, she still continues her patient rights advocacy against involuntary psychiatric interventions.<sup>[2]</sup>

There is a remarkable scene in *55 Steps* where Colette Hughes meets the hospital's lawyer, who they had filed a case against, and the patient's doctor. The conversation in the scene is as follows: The hospital's lawyer asks Eleanor's lawyer Colette Hughes "how can you prepare an objection to a treatment in such a short time and who is the expert?" Colette Hughes replies, "I am the expert, I have worked as a nurse for 10 years, of which I have spent five years as a psychiatric nurse." The doctor is surprised and says to Colette Hughes, "You were a nurse and now you are doing this? When you were a nurse, did you never administer medication without the informed consent of the patients?" Colette Hughes responds, "No. Never. I have always felt that my primary responsibility was to take care of my patients. Not handling them the way it was convenient for me". This dialogue clearly shows the value she places on her patients.

## Involuntary Treatment and the Role of Patient Rights Advocacy in Psychiatric Nursing in Regard to the Film *55 Steps*

Since the film does not show many scenes with Eleanor Riese in the hospital, the nurses' approaches to patients' rights are not well understood. However, scenes showing how Eleanor Riese is taken into the isolation room and is forcibly given an injection, how she is left in the isolation room until the morning without observation or anyone assessing her needs, how she is afraid of the hospital workers, how they threaten to inject her again when she says that she does not want to take the medicine, how she is not allowed to do an activity she loves within the therapeutic environment activities, and how she is forced to do an activity she does not like, all indicate that the nurses do not undertake a protective role in patient rights. However, as Eleanor Riese leaves the hospital, she says that she will not sue any of the nurses because she is a good person, which shows that there are also nurses, who are sensitive about this issue, even if low in number.

Involuntary hospitalization and treatment are of the most sensitive and ethically important issues in psychiatry. Practices regarding these issues may vary between countries and

even between different areas of the same country depending on their legal, cultural, ethical, and economic differences. Involuntary treatment practices are based on the presence or possibility of danger in a patient diagnosed with a psychiatric disorder and the need for treatment. Since a mental health law has not yet been enacted in Turkey, legal regulations on involuntary hospitalization and treatment are carried out in accordance with the relevant articles of the Turkish Civil Code. In the "Involuntary Treatment and Hospitalization" section of the "Mental Health Draft Law", which has not been enacted yet, this issue is discussed in detail. The draft states that the patient's consent is not required for treatment of people with a psychiatric disorder or disability in emergency medical situations when *'he/she does not have the power to distinguish or cannot show his/her consent due to the effect of his/her illness, there is a serious danger to himself/herself or to the life or bodily integrity of third parties or when non-treatment or delay of treatment will lead to loss of organ or function.'*<sup>[3]</sup>

Involuntary treatment is not an issue that only concerns physicians. Psychiatric nurses, who are authorized to perform the treatment ordered by the physician, also have legal and ethical responsibilities in matters such as patient competence, detection and isolation practices, and involuntary treatments.<sup>[4]</sup> The duty, authority and responsibilities of the nurse are stated in Article 6 of the Nursing Regulation (dated 08.03.2010 and numbered 27515). According to this:

*The nurse is required to apply the treatments given in writing by the physician except in emergencies, to accept the verbal request of the physician in unexpected or sudden situations in the patient and in diagnosis and treatment plans that need to be implemented urgently, to take necessary measures in terms of patient and employee safety in this process and perform the treatment requested by the physician to be applied when necessary, in accordance with the health care, diagnosis and treatment protocols determined according to scientific principles.*

In the same article, other responsibilities of nurses are stated: *To discuss the situation with the physician in cases where medical diagnosis and treatment procedures predict harm to the individual, to record the situation and applying the said procedure upon the written request of the physician if the physician insists on the application of the procedure, to monitor the effects of medical diagnosis and treatment attempts on the patient and in case of undesirable situations, to keep the necessary records by notifying the physician and to take the necessary measures.*<sup>[5]</sup>

According to the regulation it is understood that the nurse must act in accordance with written or oral requests of the physician, that he/she does not have the authority to not perform a treatment that he/she thinks may harm the patient and that the nurse is only responsible to inform the physician that the patient may be harmed, to record the situation and to take necessary measures. On the other hand, the article 24/3 of the Turkish Penal Code states that *"An order that constitutes a crime cannot be executed in any way and that any person who performs such an order will be held responsible."* Accordingly,

the request for an intervention that will cause harm to the patient is considered as a "crime". However, it seems that the nurse applying this request has a legal responsibility despite the written request.<sup>[6]</sup> It would be appropriate to arrange the nursing regulation in accordance with the Turkish Penal Code.

Effective patient-healthcare worker communication is extremely important and necessary in the process of determining the patient's ability to make decisions. Nurses working in psychiatric clinics have an important responsibility in evaluating the patient's decision-making competence as they are the individuals who stay with patients for an extended period of time, monitor and evaluate their response to treatment, notice changes that may negatively affect the response to treatment, and meet the patient's care needs.<sup>[7,8]</sup> Although the Nursing Regulation states that nurses have the authority to make decisions in their professional practices and can undertake a role in decisions to be made in health service provision, nurses are mostly not consulted in the patient's decision-making competence in current practices and there are differences between institutions in terms of implementation.<sup>[8]</sup> When psychiatric nurses make a decision about the patient, they should act according to ethical principles, theories, codes and standards. Although there are no specific ethical codes for psychiatric nursing in Turkey, the "Ethical Principles and Responsibilities for Nurses" prepared by the Turkish Nurses Association in 2009 is valid for all nurses. According to this, nurses must act in accordance with the ethical principles of "non-harm-utility, autonomy/respect for the individual, justice and equality, privacy and secrecy" while they fulfill their responsibilities towards the individual, family, society, and profession they serve.<sup>[9]</sup>

Ethical principles point out the responsibilities of nurses to protect patient rights. However, the responsibility to protect patient rights includes protecting the rights of patients who are not competent to make their own decisions, as well as preventing violations of the rights of patients who are competent. The nurse's responsibility to defend patients' rights also means taking on the role of advocate on behalf of their patients.<sup>[7,8]</sup>

## Conclusion

It is stated in the literature that films can be used as training methods as they can appeal to more than one sensory receptor, allow emotions to be defined, create the opportunity to embody abstract concepts and animate them through real life, can help change attitudes, values and actions through role-modeling and sampling methods, and enable ethical issues to be discussed through facts.<sup>[10]</sup> Again, it is stated that training through films contributes to cognitive, affective, and behavioral learning styles, increases awareness about the information that wants to be taught, motivates, and develops a professional perspective.<sup>[11,12]</sup>

The real-life story of Eleanor Riese, as portrayed in *55 Steps*, draws attention to involuntary hospitalizations and the rights of psychiatric patients as well as raises awareness. It appears that nurses in the film are not good role models in terms of undertaking a role in patient rights advocacy. However, this film does not only show Colette Hughes as the attorney of Eleanor Riese but as a person that adopted, internalized, and aimed to be an advocate for human rights and patient rights with her nursing experience in the psychiatry service throughout her life and was someone who continued the struggle with much faith and patience. The film *55 Steps* is important in terms of raising awareness about the role of patient advocacy and ethical values for both psychiatric nurses and nursing students taking psychiatric nursing courses.

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