

Patient vs. Patient Assault: Caregivers Not Liable.

A jury in the Superior Court, Orange County, California ruled that the patient's medical and nursing caregivers were not at fault.

The patient had been admitted to the psychiatric facility for grave disability, that is, he was profoundly mentally ill and was unable to take care of himself on his own.

The patient assigned as his roommate had a history of criminal assault in the community. In the hospital the roommate had been diagnosed as a paranoid schizophrenic who experienced command hallucinations telling him to hit people.

The psychiatrist successfully defended himself in the patient's lawsuit on the basis that the roommate's illness appeared to be well controlled by medication.

The nursing staff was accused of not calling for an immediate full-scale staff response to restrain the roommate after the attack.

The jury reportedly thought the nurses' response was substandard but saw no way it had anything to do with preventing the attack in the first place. **Cory v. La Palma Hosp.**, 2008 WL 2834197 (Sup. Ct. Orange Co., California, June 3, 2008).