

## Family Member Assaulted: Court Faults Hospital Nurses, Security Staff For Waiting To Take Action.

The mother was visiting her young daughter on the hospital's pediatric unit.

Another mother and the other mother's two friends were visiting the other young patient in the room. The other mother began cursing loudly at one of her companions, apparently her boyfriend, then began throwing her daughter's toys, her purse and other items around in the room.

The charge nurse came to the room to see what was going on. She told the first mother she could move her daughter to a different room. Then the charge nurse left.

The other mother's behavior continued for almost a half hour before a hospital security guard happened by, heard the disturbance and entered the room.

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***A hospital is not responsible for a sudden, unprovoked criminal act by one hospital patron against another, but that is not the case here.***

***The pediatric unit charge nurse and the security guard were aware of the other mother's behavior and knew or should have known it presented a threat of imminent harm to the first mother.***

SUPREME COURT  
KINGS COUNTY, NEW YORK  
June 4, 2010

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The security guard stood by doing nothing for several minutes until the other mother assaulted the first.

The Supreme Court, Kings County, New York ruled this was not a case of a sudden, unanticipated assault. According to the Court, the charge nurse, an agent of the hospital, was on notice that the other mother's bizarre and menacing behavior presented a threat of harm to the first mother.

The charge nurse should have taken action to protect the first mother from harm at the hands of the other mother.

The first mother was not expected to put her own safety ahead of her daughter's by leaving her alone in the room while the other mother was acting out. **Davis v. Brookdale Univ. Hosp., \_\_\_ N.Y.S.2d \_\_\_, 2010 WL 2305478 (N.Y. App., June 4, 2010).**