

# Suicidal Verbalizations: Crisis Line Nurse's Actions Ruled Proper, Lawsuit Dismissed.

A nurse was answering the crisis line for her employer, a medical center in New York.

Just after midnight an individual called from Florida who had recently moved to Florida from New York. Her after-midnight call to county social services where she had lived in New York was picked up by the local police department and then relayed to the medical center's crisis line because the caller said she was having a mental-health crisis and needed help.

The caller told the crisis-line nurse, "I wish I were dead," or "I want to die," according to the court record in the US District Court for the Southern District of New York.

The nurse used Caller ID to trace the call to Florida and promptly called the local police in Pinellas County. The police went to the caller's home and took her to a hospital where she was held involuntarily for approximately twenty-nine hours.

When the patient returned home her cat's food and water were gone and her cat was dead. She sued the medical center in New York for humiliation, fear, anguish, mental suffering and emotional distress.

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***For a healthcare provider to be sued for professional malpractice there must be a departure from good and accepted medical practice as well as evidence that such departure caused injury to the patient.***

***The crisis line nurse took the patient's statement, "I wish I were dead," at face value and started the process to have her taken to a hospital for an involuntary mental-health hold.***

***There is no negligence if a nurse does not understand, as the patient claimed in her lawsuit after the fact, that that statement was just a figure of speech and was not to be taken literally.***

***There is no defamation in relating to law enforcement authorities that a patient has expressed suicidal ideation. It is true she said she wished she were dead. Truth is a complete defense to charges of defamation.***

UNITED STATES DISTRICT COURT  
NEW YORK  
July 12, 2005

## No Professional Negligence

The court ruled it was not negligence for the nurse as a healthcare professional to take this patient's statements at face value as suicide threats. The caller was apparently trying to reach caregivers she had seen in the past for mental-health issues because she was having a crisis and needed immediate help.

## No Defamation / Slander

The crisis line nurse did not slander the patient and was not liable for defamation for telling the Florida police that she had expressed suicidal ideations.

First, it was completely true the patient had said what she said.

Second, as the court phrased it, our society has advanced beyond the point where reporting that an individual is experiencing a mental-health crisis is considered humiliating or degrading.

## No False Imprisonment

The court pointed out that it was the decision of the police in Florida to take the patient into custody. The nurse in New York had no part in or control over that decision.

However, under these circumstances the law provides immunity from civil lawsuits for healthcare and law-enforcement personnel who act in good faith in the belief that a true mental-health emergency requires a person to be taken into custody for involuntary mental health evaluation.

The court also threw out the remaining allegations trespass, invasion of privacy, violation of civil rights, etc., and ruled in the nurse's favor. ***Matthews v. Malkus*, \_\_ F. Supp. 2d \_\_, 2005 WL 1661039 (S.D.N.Y., July 12, 2005).**