

Ingestion Of Controlled Substance: Nurse Ruled Not Liable For Death Of Detainee.

The suspect swallowed an ounce of cocaine unbeknownst to the deputies arresting him on another charge.

A short time after being booked into the county jail he began to appear very ill. The nurse on duty who had done his routine jail admission assessment tried to get him to tell her what was wrong. The suspect denied he had any immediate medical needs and denied he had taken any narcotics or any other medication whatsoever.

When his condition changed for the worse he was taken to the jail medical clinic, then to a hospital where he died from the cocaine ingestion.

His sister, as personal representative of her brother's probate estate, filed a civil lawsuit against the jail nurse and her employer, the company under contract to provide jail inmate medical services.

The Court of Appeals of Michigan ruled the lawsuit should be dismissed.

Self-Inflicted Harm

Caregiver's Legal Duty

The basic rule is that no one is allowed to sue another person for damages for the consequences of his or her own wrongful conduct, but health care is one place where the basic rule does not apply.

It is legally irrelevant in weighing civil liability for substandard health care whether the patient's medical condition stemmed from inadequate self-care or was actually self-inflicted.

However, this patient actively concealed the true nature and cause of his predicament from his caregiver to the extent his caregiver was unable, despite her best reasonable efforts, to intervene in time to save him from the end-effect of his own wrongful conduct. Graham v. Secure Care, Inc., 2007 WL 122127 (Mich. App., January 18, 2007).