

Elopement: Psych Patient's Family Awarded \$12,000,000 For Wrongful Death.

A mental health assistant took ten patients to the hospital's psychiatric floor's outside deck. One of the patients climbed the 12-foot iron fence, fell 25 feet to the top level of the parking garage, crawled badly injured 100 feet to the edge of the top level of the garage and then fell another 80 feet to his death.

Fence Could Be Climbed

The 12-foot-high wrought-iron fence had iron cross bars that made it as easy to climb as an ordinary ladder.

The fence was a liability issue primarily for the hospital's architects and facilities managers. However, the fence being so easy for a patient bent on elopement or self-harm to climb also made it a liability issue for nursing caregivers in that one aide for ten patients was not adequate supervision, the family's attorneys argued to the jury in the Circuit Court, Jefferson County, Alabama.

No Emergency Response Plan

The family's lawyers also argued that the facility should have had an emergency response plan to have allowed the aide to summon and get help right away.

One nurse who happened to see what happened went to the patient's aid on the parking garage but was not able to stop the second fall which actually killed him. **Estate of Hollon v. Brookwood Medical Center, 2007 WL 912202 (Ala. Cir. Ct., February 15, 2007).**