

Involuntary Psychiatric Hospitalization: Patient's False Imprisonment Lawsuit Dismissed.

The patient alleged she walked into the hospital one February evening only to keep warm and not become frostbitten but when she tried to leave several nurses grabbed her, strapped her down and kept her for four days until she was released after a mental health commitment hearing.

Hospital personnel said the patient was brought to the E.R. by police because of her bizarre behavior and soon ran out of the hospital into traffic yelling that someone was going to cut her eyes out.

Based on her present intent for self-harm a hospital RN got a physician to order restraints for a four-hour period. During that time her status and the need to continue the restraints were assessed and documented every fifteen minutes.

Minutes after the restraints were started an emergency custody order was signed by a local magistrate and within a half-hour a mental health professional interviewed the patient to determine whether to file a petition for involuntary admission and treatment.

The mental health professional documented the patient was delusional and was expressing paranoid ideation that others wanted to cut off her head and poke out her eyes. The mental health professional had a judge sign a temporary detention order within the next three hours.

A civil suit for false imprisonment can be filed against someone who restrains another person's liberty without legal justification.

If adequate legal justification can be shown to exist, there is no right to sue, as is true in this case.

The hospital obtained a temporary detention order from a magistrate which gave the hospital legal authority to detain, treat and care for the patient until a full-scale commitment hearing could be held.

The patient has no grounds to sue the hospital for civil battery. The physician authorized restraints to protect the patient from herself during the period of time covered by the temporary detention order which gave the hospital authority to hold her and provide necessary medical care.

UNITED STATES DISTRICT COURT
VIRGINIA
April 25, 2012

The temporary detention order allowed the patient to be kept involuntarily pending a full-scale court hearing four days later. At the hearing the judge ruled that further involuntary mental health treatment was not warranted, at which point the patient was promptly released.

Lawsuit Against Hospital Dismissed

The US District Court for the Eastern District of Virginia dismissed the lawsuit the patient filed against the hospital.

In passing the Court pointed out that the patient was actually held under the temporary detention order a day longer than the usual four-day maximum allowed by state law before a hearing was held on the issue of long-term detention for involuntary psychiatric care.

That was not a problem because the fourth day was Monday, February 16 which was President's Day in 2010, a legal holiday when no court hearings were held.

No Negligent Infliction Of Emotional Distress

The Court dismissed the allegations in the patient's lawsuit of negligent infliction of emotional distress because there was no proof the hospital committed any negligence in her care.

Even if the hospital was authorized to hold her involuntarily by a court-issued temporary detention order, the temporary detention order by itself would not absolve the hospital from liability to the patient for negligence, if in fact it could be proven that any medical or nursing negligence was committed in her care. **Robertson v. Prince William Hosp.**, 2012 WL 1448101 (E.D. Va., April 25, 2012).

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