

Psych Patient Commits Murder: Nurse, Other Caregivers Ruled Not Liable.

The family of a murder victim who was killed by a violent psych patient sued the patient's caregivers claiming they were responsible for the victim's death.

The civil-court defendants included the clinic, several psychiatrists and therapists, a chemical dependency counselor and a psychiatric nurse.

The Court of Appeals of Ohio dismissed the case. For mental health caregivers to be held liable in civil court for harm to a crime victim if they fail to notify law enforcement and the potential victim, the dangerous patient must have made an explicit threat of an imminent intent to harm a specific identified person.

Nurse's Initial Assessment

The patient talked about multiple situational problems, including problems with his girlfriend, whom he did not identify, and said he wanted to work with a therapist on anger-management issues. He denied any suicidal or homicidal thoughts and said he did not own or have access to any weapons. The patient was referred to a therapist.

Ongoing Mental Health Treatment

Three weeks later the patient called the nurse. He said he was very angry and had begun destroying his own furniture and other belongings with a hammer. He also said he had built a pipe bomb and was considering blowing himself up. She tried to talk him into hospitalizing himself but he refused.

The nurse called the psychiatrist to have his medication increased. The patient did come in the next day and did pick up his new medication.

A week later the patient stalked his girlfriend after work, ran her car off the road and shot her. Then he shot himself.

The court could not fault the nurse for the victim's death. The patient was angry and violent, but never verbalized a specific intent to harm a specific, identified victim, the legal standard for civil liability. **Stewart v. North Coast Ctr., 2006 WL 1313098 (Ohio App., May 12, 2006).**

A nurse or other mental health caregiver cannot be held liable for the consequences of a mental-health patient's violent behavior unless:

The caregiver has reason to believe the patient has the intent and ability to carry out an explicit threat of imminent and serious physical harm to clearly identifiable victim who is a family member or someone known to the patient.

If a threat is verbalized:

The mental health caregiver must, if feasible, communicate to a law enforcement agency and, if feasible, communicate to each potential victim the nature of the threat, the identity of the patient or client making the threat and the identity of each potential victim.

The nurse in this case was working with the patient on anger management.

He told the nurse he was destroying his own possessions, had guns and had made a pipe bomb.

However, he never communicated anything specific to the nurse about an intent to harm his girlfriend whom he murdered.

COURT OF APPEALS OF OHIO
May 12, 2006
