

# Protective Custody: Hospital Staff Did Not Violate Rights Of Intoxicated E.R. Patient.

The US District Court for the District of Connecticut dismissed the lawsuit filed by a disgruntled former emergency-room patient against the local police department, a police officer, an ambulance company, two EMT's, the local hospital, hospital security guards and the E.R. nurse.

The police were called by the bouncer closing up a local night spot who could not convince a drunken patron not to get into his car. The police found him passed out behind the wheel of his parked car. When they roused him he started crying uncontrollably. The police issued a citation, wrote up an emergency involuntary commitment form and called an ambulance.

The E.R. triage nurse at the hospital, with help from a security guard, got him into a hospital gown and took away his clothes, wallet, car keys, shoes and cell phone and locked those items up. About an hour later the man ran out of the hospital clad only in his hospital gown, was chased down by the security guards and was returned in handcuffs that were removed when he finally calmed down.

At about 5:30 a.m. he was finally given back his personal property and allowed to go home.

## No Grounds for Patient's Lawsuit

The court ruled that the hospital personnel were taking appropriate measures to treat a patient who was incapacitated by alcohol intoxication and in need of restraint and supervision for his own safety.

Quoting an old case precedent the court said, "When a patient enters a hospital he is entitled to such reasonable attention as his safety may require; and if he is temporarily bereft of reason and is known by the hospital authorities to be in danger of self-destruction, the authorities are duty bound to use reasonable care to prevent such an act."

The patient's apparent medical needs not only permitted but obligated the hospital to detain him in a safe place as treatment for his condition. Palmer v. Garuti, 2009 WL 413129 (D. Conn., February 17, 2009).

***A hospital and its staff cannot violate a patient's Constitutional rights unless hospital staff are acting at the behest and direction of law enforcement.***

***It was the police who responded to a disturbance at 2:00 a.m. outside a bar and it was the police who saw to it that the highly intoxicated and agitated individual was transported to the hospital in an ambulance.***

***However, once triage was begun by the E.R. nurse the hospital was treating an incapacitated patient who was in dire need of medical care and supervision.***

***The hospital was not acting as an arm of local law enforcement detaining, searching, examining or interrogating the individual as a criminal suspect.***

***Medical personnel are given a great deal of latitude in using urine and blood tests to identify and quantify the alcohol or other substances that are affecting an incapacitated individual and in making the decision to keep the person in protective custody until he or she is no longer incapacitated.***

UNITED STATES DISTRICT COURT  
CONNECTICUT  
February 17, 2009