

## Psych Patient Released Without Treatment: Family's Wrongful Death Lawsuit Dismissed.

The young man's mother brought him to the hospital because she was concerned about his mental state.

In the E.R. he was evaluated by a nursing assistant and a physician. During their evaluations he was alert, verbal and cooperative but admitted to auditory and visual hallucinations and suicidal thoughts and it was observed that he had self-inflicted cut wounds on his arms. He said that his girlfriend had put a curse on him and said he was blinded by looking at a text message from her in the E.R.

### Patient Was Not Admitted

The patient refused voluntary admission. His caregivers decided not to seek involuntary commitment. He was prescribed Ambien and his mother was cautioned to remove firearms from their residence and to follow up with an outpatient clinic the next day but to come back to the E.R. if he got worse or if she felt he was going to harm himself or someone else.

He behaved erratically the rest of the afternoon. Then around midnight he broke into a home and the occupant called police. The patient grabbed a knife, charged out at the police and was shot and killed.

### Hospital Has Legal Immunity from Suit

The Court of Special Appeals of Maryland ruled that the state's involuntary mental health commitment statute provided legal immunity to the hospital and its employees from being sued in this situation.

The more common legal scenario is a patient who sues for false imprisonment over being involuntarily detained and his or her lawsuit is dismissed based on the immunity provided to healthcare providers by the mental health statute.

The Court ruled that statutory immunity should go both ways and protect a healthcare provider who makes a good faith decision not to start involuntary commitment proceedings, and the patient later endures harm that would not have occurred if he or she were in involuntary custody.

The Court pointed to rulings from other states' courts which came to the same result. **Williams v. PRMC**, \_\_ A. 3d \_\_, 2013 WL 4764084 (Md. App., September 5, 2013).

**State law provides immunity from civil lawsuits to healthcare providers who participate in good faith in proceedings for involuntary psychiatric commitments.**

**The law should be interpreted to apply both ways, to a situation where a good faith decision is made not to seek involuntary admission, and the individual endures harm later, as well as the situation where the individual is involuntarily committed, and sues afterward for false imprisonment.**

**The courts recognize that involuntary mental health commitment is a significant deprivation of liberty.**

**The state law in question was put in place to protect citizens from unnecessary confinement.**

**It would be absurd to interpret the immunity provisions of the involuntary mental health commitment statute only to apply when someone is committed.**

**Out of fear of legal liability, mental health services providers would be motivated to err on the side of admitting their patients instead of properly exercising their discretion before depriving an individual of liberty.**

COURT OF SPECIAL APPEALS  
OF MARYLAND  
September 5, 2013

## Inmate Injected With Antipsychotic Medication: Court Finds No Violation Of His Rights.

A state prison inmate was subject to a court order for involuntary antipsychotic medication. His diagnoses included paranoid schizophrenia with methamphetamine abuse behind the prison walls and methamphetamine psychosis.

He sued after a nurse injected him intramuscularly because he refused to take his antipsychotic meds orally.

**A difference of opinion between an inmate and prison medical providers over the course of necessary medical treatment does not lead to a violation of the prisoner's Constitutional rights.**

**The patient was under a valid court order to take antipsychotic medication, but simply disagreed with the mode of delivery.**

UNITED STATES DISTRICT COURT  
HAWAII

September 9, 2013

The US District Court for the District of Hawai'i noted for the record that prison officials had gone through all the required steps outlined in the state's involuntary psychiatric commitment and involuntary treatment statute, due to the imminent danger the inmate's mental illness posed to himself, to obtain the court order that clearly required him to take his mental health meds whether he wanted to or not.

The prison nurse did not violate his rights by injecting him with his medication after he refused the less intrusive alternative of oral meds that was offered to him.

As a general rule, neglect or abuse of an inmate patient by healthcare providers violates the inmate's rights, while a mere disagreement by the inmate over the course of necessary treatment is no such violation. **Tia v. Akasaki**, 2013 WL 4852686 (D. Hawai'i, September 9, 2013).