

# Psychotic Patient: Court Reviews The Legal Duties Of Emergency Room Nurses.

A patient came to the emergency room complaining of depression and anxiety. He was promptly seen by a nurse.

He was holding a cardboard box. That concerned the nurse. He would not let the nurse see what was inside. The nurse convinced him to show the contents. It turned out to be some light bulbs he had been carrying around with him. Then he began to describe a plot against him by the CIA and told the nurse he was hearing voices telling him to do crazy things.

The nurse started the paperwork and told the patient he would have him seen by a doctor. The highly paranoid patient verbalized that the doctor and nurse were in on the plot against him. He left against medical advice only ten to fourteen minutes after he had arrived.

He returned a couple minutes later and demanded he be given his hospital chart. The nurse refused. The patient became loud and belligerent. The nurse called hospital security who removed him from the premises.

An hour later he became involved in an armed standoff with sheriff's deputies behind his residence. He charged at the deputies brandishing a firearm and was

***When an obviously psychotic patient comes to the emergency room, the nurse on duty must try to convince the patient to be examined by a physician and must try to get a physician to examine the patient.***

***If the patient is a danger to self or to others or gravely disabled, for the patient's own safety the physician can take steps to have the patient held and treated involuntarily.***

***The nurse had a few minutes to start the paperwork and conduct a quick assessment before the highly paranoid patient decided to leave AMA, believing the nurse and physician were part of a plot against him.***

***The E.R. physician had several other serious cases. No matter how well the nurse advocated for this patient it was questionable how quickly the physician could have seen him.***

COURT OF APPEAL OF LOUISIANA, 2001.

shot and killed. His family sued the hospital claiming the emergency room nurse's negligence was the cause of death.

The Court of Appeal of Louisiana upheld a jury's verdict in favor of the nurse.

The patient was obviously psychotic, the court pointed out. However, in the short window of time the nurse had to exercise his best professional judgment the patient did not appear to be a danger to himself or a threat to others.

A nurse has to make a competent assessment of the situation at hand. A nurse is not judged on the basis of 20/20 hindsight.

The nurse knew he had to have the man seen by a physician so that an involuntary mental health hold could be started if the physician believed it was necessary. In the short time before the patient left AMA, the nurse did all the court believed he could do to persuade the patient to stay.

Once the patient decided to leave, then returned and became belligerent, it was appropriate for the nurse to summon security and have him ejected.

The jury members heard testimony about the reality of what the emergency room was like that night. The jury apparently believed the physician would have given preference to other patients, one with chest pains, one with rectal bleeding and two who needed wounds sutured, over a psychiatric case complaining of depression and anxiety, no matter how forcefully the nurse might have argued on this patient's behalf. **Bellard v. Willis Knighton Medical Center, 786 So. 2d 218 (La. App., 2001).**

LEGAL EAGLE EYE NEWSLETTER

*For the Nursing Profession*

ISSN 1085-4924

© 2008 Legal Eagle Eye Newsletter

Indexed in  
Cumulative Index to Nursing & Allied  
Health Literature™

Published monthly, twelve times per year.  
Mailed First Class Mail at Seattle, WA.

E. Kenneth Snyder, BSN, RN, JD  
Editor/Publisher  
PO Box 4592  
Seattle, WA 98194-0592  
Phone (206) 440-5860  
Fax (206) 440-5862  
kensnyder@nursinglaw.com  
www.nursinglaw.com

Circle one: \$155 one year \$85 six months	Phone toll free
Check enclosed _____ Bill me _____ Credit card _____	1-877-985-0977
Visa/MC/AmEx/Disc No. _____	
Signature _____ Expiration Date _____	
Name _____	Mail to:
Organization _____	Legal Eagle
Address _____	PO Box 4592
City/State/Zip _____	Seattle WA
	98194-0592