

Psych Exam: Court Says Patient Entitled To An Attorney.

The patient admitted himself voluntarily for psychiatric treatment. Several months into his stay his treatment team decided to transfer him to another facility, but he would not consent. The treatment team decided to apply to the court to convert his status from voluntary to involuntary so that he could be transferred to the other facility against his wishes under a court order for involuntary mental health commitment.

Without informing the patient of their plan, the treatment team had him seen by a psychiatrist whose report they intended to use to apply for the commitment order.

However, the New York Supreme Court, Dutchess County, refused to order the patient involuntarily committed.

The psychiatrist's examination was in essence a step in the involuntary commitment process, even though the patient did not know it. He had the right to be informed of what was going on and had the right to have his attorney present to observe the examination, the court ruled. **Mat-ter of Michael K., 706 N.Y.S.2d 843 (N.Y. Sup., 2000).**

Suicide Pact: Court Can Hold Nurses Liable For Patient's Death At Another's Hand.

The Court of Appeal of Louisiana dismissed the deceased patient's family's case against the hospital, but only because it was a medical negligence case and should have been sent to the State Medical Review Panel before being filed in court. The family had to pay court costs for filing a premature lawsuit, but would be allowed to re-file in court after they went before the Medical Review Panel.

Because the case was dismissed on a legal technicality the court never had to rule definitively whether there was evidence to back up what the family claimed. However, the court said that if what they claimed was true there was a valid nursing malpractice case against the hospital.

Apparently the ICU nurses knew the patient had a suicide pact with his long-time companion. If one of them became terminally ill, the other was to kill him and then kill himself. However, the patient was not terminally ill and was expected to recover fully. The nurses should have explained that to the patient's companion just like a spouse or close relative. That nursing responsibility was all the more important in light of the suicide pact.

And the court said the nurses should never have allowed the companion to visit without supervision when he was visibly despondent. The nurses should have been wise to his intentions and should have appreciated the grave danger he posed to the patient. **Munden v. Charity Hospital and Medical Center, 754 So. 2d 281 (La. App., 1999).**

There are probable grounds for a professional negligence case against the hospital, assuming it can be proven the deceased patient's nurses:

Knew of the existence of a suicide pact between the patient and the man who had been his life companion for thirty years;

Did not explain to the patient's companion as they would to a spouse or relative that the patient was not terminally ill and was expected to recover fully;

Saw that the patient's companion was despondent when he came to visit the patient outside of regular visiting hours in the intensive care unit; and

Naively allowed the patient's companion unmonitored access to the patient in the ICU, when he shot the patient twice in the head and then shot himself.

COURT OF APPEAL OF LOUISIANA, 1999.

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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

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