

## Psychiatric Care: Court Rejects Allegations In Nurse's Case.

An RN became very upset during a meeting with her nurse manager that she requested to report a sexual assault by a coworker committed off-site at another coworker's wedding. The RN's distraught condition quickly worsened to what seemed like a full-blown panic attack.

The nurse manager sent her to the hospital's emergency department. There a nurse gave her Ativan and Seroquel pursuant to the E.R. physician's orders.

Early the next a.m. the E.R. physician had the RN sent to a psychiatric facility for involuntary commitment. The seeming panic attack had progressed to poor judgment, auditory hallucinations, irrational thought patterns and paranoid delusions.

### Patient Signed

#### Voluntary Admission Form

A psychiatric nurse asked the patient to sign papers when she arrived, including a voluntary admission form.

The psychiatric nurse later testified from her progress note that the patient, although tearful and anxious, had full affect and verbalized an understanding of the intake assessment questions that were being asked of her.

When the psychiatrist saw the patient the psychiatrist diagnosed an acute stress reaction and psychotic, depressive and obsessive compulsive disorders.

The psychiatrist told the patient she was required to stay at the facility 72 hours and prescribed two antidepressant medications which the patient agreed to take.

The patient stayed five days and voluntarily took her medications.

At no time did the facility initiate court proceedings for an involuntary 72 hour mental-health hold.

### Court Finds No Liability

The Court of Appeals of Ohio ruled the RN had no legal case against the psychiatric facility.

The psychiatric intake nurse charted that the patient appeared to understand what she was doing when she signed a form for voluntary admission, notwithstanding the fact she like anyone else in her situation would naturally be in a distraught emotional state. **Kulich-Grier v. OhioHealth**, 2014 WL 4460278 (Ohio App., September 11, 2014).

***The patient has no proof the facility asked her to sign a voluntary admission form to circumvent the required statutory legal procedures for a 72 hour involuntary mental health hold.***

***The statute allows a mental health facility where a patient has been taken to offer voluntary admission as an alternative to involuntary commitment.***

***When she signed the voluntary admission form the patient appeared to understand what she was doing, according to the psychiatric nurse's progress note for the patient's admission.***

***Either way, the patient was promptly seen by a psychiatrist who had been designated by the facility's chief medical officer to perform evaluations for involuntary commitments.***

***The psychiatrist determined the patient needed care, although there was no specific finding of danger to self or others or further steps taken to comply with the involuntary commitment statute.***

***However, there is no proof of any malicious intent or bad faith on the part of the facility's medical or nursing staff in the admission assessment process or the patient's treatment.***

COURT OF APPEALS OF OHIO  
September 11, 2014

## Visitor's Slip And Fall: Court Finds No Negligence.

A family member slipped and fell and fractured her hip when she went to visit her sister who was a resident in a nursing home.

The resident occupied the window bed in her room.

Her roommate in the door bed suffered from Parkinson's disease which made her prone to shaking.

Despite her difficulties the roommate was often allowed to feed herself food items and beverages as long as they did not pose a choking hazard.

The roommate was known to her caregivers in the nursing home often to spill her food and drinks on the floor.

She was eating some ice cream on the day in question while seated in her wheelchair just inside the door to the room. The resident testified later she saw that her roommate had spilled her ice cream which created a puddle on the floor.

As the sister tried to maneuver around the roommate's wheelchair which was almost blocking the doorway, not being aware of the slippery puddle of ice cream on the floor, she fell and was injured.

The resident's sister sued the nursing home for negligence.

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***When another patron creates a hazardous condition, a person injured by the condition must prove that the business owner had, or in the exercise of reasonable care should have had knowledge of the hazardous condition.***

***The business owner is liable only if the owner was or should have been aware of the hazardous condition and failed to correct it or failed to warn other patrons about it.***

COURT OF APPEALS OF OHIO  
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