

Psychiatric Nursing: Court Reviews Legal Issues In Patient Restraint, Forced Medication.

Assault can be grounds for a civil lawsuit even when the assault is not followed by a battery.

Battery is the intentional touching of another person in a harmful or offensive way without consent.

Assault occurs when the perpetrator's actions cause fear or apprehension that harmful or offensive bodily contact will occur.

This patient may have suffered an assault when a nurse approached him while he was being held down by other staff members, brandishing a needle containing the Haldol the patient had said he did not want to be given.

A nurse would know that that action could cause fear and apprehension in the patient.

UNITED STATES DISTRICT COURT
NEW JERSEY
October 15, 2014

In a pre-trial hearing the US District Court for the District of New Jersey declined to grant a summary judgment of dismissal of a civil suit filed against the charge nurse and others in a psychiatric facility where an involuntarily committed patient was physically restrained and medicated with IM Haldol against his wishes.

Excessive Force

Physical restraint can only be used with a psychiatric patient to protect the physical safety of the patient, other patients or facility employees.

The patient claimed he did not become agitated until after staff were assembled to restrain him. He claimed that was done only after he refused a prn oral dose of Haldol recommended by the charge nurse.

Being agitated or having issues with meds is not grounds to physically restrain a patient, absent a genuine safety issue.

Failure to Provide Medical Care

There was also a question whether the charge nurse responded quickly and appropriately by seeking emergency medical care or at least an orthopedic consult once it appeared the patient's ankle had been fractured during the restraint, a duty the charge nurse had to fulfill regardless of the circumstances leading up to the incident.

If the charge nurse was remiss in her response, that could be malpractice and also a violation of the patient's civil rights as a person in involuntary governmental detention. ***Bullock v. Cabasa, 2014 WL 5286613 (D.N.J., October 15, 2015).***

LEGAL EAGLE EYE NEWSLETTER
For the Nursing Profession
ISSN 1085-4924

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