

## Nurse Physically Restrained Patient: Court Throws Out Patient's Case Based On Mental-Health Immunity Law.

The patient went to the emergency room seeking treatment for cold symptoms and depression. She was accompanied by her mother and her son.

She shared with the physician the situations in her life which she believed were contributing to her depression including unemployment, homelessness, a verbally abusive husband and fear for her own safety.

The physician's impression from the way she was describing her dire situation was that she was thinking of harming herself. The patient, however, later denied having any such intention or expressing any such intention to the emergency room physician.

The physician told her to stay in the emergency department while arrangements were made for her to speak with a mental health professional.

### **Patient Tried to Leave the E.R. Restrained By a Hospital Nurse**

The patient walked out about an hour after finishing with the physician, without seeing the mental health professional.

The emergency room physician told a nurse to follow her to the parking lot and stop her from leaving. The nurse told her not to leave and tried to grab her. They both fell to the ground and in the struggle the patient bit the nurse at least twice.

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***Mental healthcare professionals at an evaluation and treatment facility are immune from civil liability when performing their duties, including making the decision and detaining a person for evaluation, so long as their duties are performed in good faith and without gross negligence.***

***The professional staff at any public or private hospital may detain a person presenting with an imminent likelihood of serious harm as a result of a mental disorder for sufficient time to notify the county designated mental health professional of such person's condition.***

***This hospital is licensed for mental health treatment and evaluation. The patient's own statements led to a reasonable belief that she posed an imminent danger to herself.***

COURT OF APPEALS OF WASHINGTON  
October 11, 2010

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With help from other hospital personnel the nurse was able to strap the patient to a gurney and return her to the emergency department.

The Court of Appeals of Washington dismissed the lawsuit the patient filed against the hospital alleging assault and battery, false imprisonment and malicious prosecution.

In the patient's lawsuit the emergency room nurse himself countersued the patient for assault and battery.

The Court pointed out that the patient went to this hospital, a licensed mental-health treatment facility, seeking treatment for depression. She reported that she had been depressed for over a year and was constantly crying and feared for her own safety. The physician came to a reasonable, good faith belief that the patient posed a danger to herself.

The hospital wanted to keep the patient pending an evaluation from a mental health professional to determine if further treatment was needed until the patient herself tried to thwart that plan.

The patient was unable to point to any evidence of bad faith or any gross departure from the standard of care by the emergency room physician, the nurse or any other hospital personnel.

The nurse was acting in a first-line mental health emergency. It was not relevant to the outcome of the patient's lawsuit that involuntary commitment proceedings had not yet been started and that the patient had not yet been committed for treatment.

***Ross v. Peacehealth, 2010 WL 4008812 (Wash. App., October 11, 2010).***