

Neglect: Aide Had To Watch Two Patients At The Same Time, Charges Dismissed.

A psychiatric technician was told he was responsible for continuously watching one psychiatric patient housed in an unlocked room who was deemed to be dangerous and was also responsible for making fifteen-minute checks on another patient who was on suicide watch.

The facility was one tech short on the shift. The tech used his own discretion. He decided to watch the dangerous patient continuously and to look out the door toward the other patient's room every fifteen minutes. He never left the dangerous patient to actually check on the other.

The patient on suicide watch died of a heart attack. The tech was charged and convicted of the criminal offense of willful or culpable negligence causing great bodily harm to a disabled person.

Even if the tech was mistaken in exercising his own judgment, there was no ill motive toward his patients.

DISTRICT COURT OF APPEAL
OF FLORIDA
October 25, 2005

The District Court of Appeal of Florida threw out the conviction and exonerated the tech.

Physically there was no possible way the tech could implement both physician's orders (from the same physician). The tech had no legal authority to change the orders and had no control over the fact the facility was understaffed. There was no proof, only speculation, that a face-to-face fifteen-minute check on the suicide-watch patient would have made any difference. ***Jones v. State***, __ So. 2d __, 2005 WL 2736542 (Fla. App., October 25, 2005).