

# Psych Nursing: Crisis-Line Nurse Ruled Not Liable In Patient's Wrongful-Detention Lawsuit.

Based on statements made over the phone to the crisis-line nurse at the state hospital, police officers went to the caller's home and transported her against her will to the state hospital.

The caller was promptly released from short-term detention after a thorough psychiatric evaluation indicated no basis existed to apply for a court order allowing the facility to hold her as a patient.

The patient turned around and sued the nurse, the hospital, the police officers and the city for violation of her civil rights.

The US Circuit Court of Appeals for the Ninth Circuit ruled that grounds were lacking for her to have sued any of the defendants named in the case.

It was certainly true in hindsight that there was no basis in fact for the nurse to have notified the police, for the police to have taken her from her home to the hospital for an evaluation or for the hospital to have held her even temporarily before she was released. But perfect hindsight is not the issue.

According to the court, when a former involuntary psychiatric patient sues alleging a civil-rights violation, the sole question is the state of mind of the persons who participated in the patient's involuntary detention.

***The state of mind of the persons who participated in the patient's involuntary detention is the sole question in an involuntary psychiatric patient's civil rights lawsuit alleging wrongful detention.***

***That is fundamentally a different question than the underlying issue whether grounds did or did not exist for involuntary detention and treatment.***

***The law provides immunity from a patient's lawsuit to a healthcare professional who can show that facts existed pointing to a reasonable belief that the person was gravely disabled or an immediate threat of harm to self or others.***

***Good faith confers legal immunity whether or not the person was gravely disabled or a threat to self or others.***

UNITED STATES COURT OF APPEALS  
NINTH CIRCUIT  
November 6, 2008

## Good Faith Entitled Nurse To Legal Immunity

The nurse's successful defense to the lawsuit was her explanation of how she admittedly misinterpreted the caller's statements over the phone as a verbalization of a present intention to harm herself.

According to the court, the nurse reasonably believed her conduct was lawful in relaying to the police what she believed the patient had conveyed to her and prompting the police to go to her home, pick her up and take her to the hospital for a psychiatric evaluation.

The nurse was entitled to qualified immunity because, on the basis of what she understood the circumstances to be, she reasonably believed she was acting in accordance with the state statute allowing involuntary psychiatric detention in what she had reason to believe was an emergency situation.

The police, in turn, had probable cause to pick up and transport the patient based on what the crisis-line nurse told their dispatcher even though they themselves conducted no independent testing of their detainee's mental status.

Personnel at the hospital had probable cause to hold the patient and to conduct a psychiatric evaluation based on what the police told them they had been told by the nurse, the court ruled.

They complied fully with the law by promptly releasing her after finding there was no basis to keep her. ***Duarte v. Begrin, 2008 WL 4831482 (9th Cir., November 6, 2008).***

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