

Elopement Attempt: Psych Patient Can Sue For Injuries.

A facility caring for the mentally ill has a legal responsibility to protect patients from the consequences of their own dangerous behavior.

Any room where a patient can go and not be seen must have a window security screen. A no-patient-access room should always be locked.

The three patients had been in pajamas all day, until about 5:00 p.m., then all at once appeared dressed in street clothes and shoes.

The linen closet was right next to the nurses station. The nurses should have noticed them and been suspicious what the now-fully-dressed patients were doing in the linen closet.

The patient was on thirty-minute observation. The procedure for eyeballing each and every patient every thirty minutes was not being followed.

SUPREME COURT OF MISSISSIPPI
August 24, 2006

The twenty-five year-old patient's diagnoses were schizophrenia and borderline personality disorder. She was considered a danger to self and others, had attempted suicide three months earlier, was on a locked unit and had recently been argumentative with staff.

Believing she was about to be transferred to another unit where abuse was rumored to occur, she and two others tried to escape by tying bed sheets together to make a rope and climbing down from a third-story window. She fell and sustained a serious leg injury that required eight surgeries and left her physically permanently disabled. She was already deemed to have a psychiatric total disability.

The Supreme Court of Mississippi approved a \$1,000,000 verdict for her.

They went out the window of a conference room. The conference room had no patient-security window screen because it was not considered a patient-access area. The door should have been locked.

The linen closet on a locked psych ward should also have been locked.

The patient was on close observation. Staff were required to verify her whereabouts and activities q thirty minutes. The court accepted testimony the patient-care aides were all watching television and not paying attention to their patients.

Elopement Attempt Foreseeable

The patient just minutes before was crying hysterically expressing her anxiety to staff over her rumored transfer. That should have alerted staff to an acute elopement risk, the court said. **Dept. of Mental Health v. Hall, __ So. 2d __, 2006 WL 2437830 (Miss., August 24, 2006).**