

## Psychiatric Hold: Hospital Nurse, Security Guard Entitled To Immunity From Patient's Lawsuit.

The patient, who had a history of bipolar disorder, antisocial personality disorder and violence to himself, testified he was just stepping out from the E.R. to smoke a cigarette.

A hospital nurse and a hospital security guard testified the patient was trying to leave the hospital altogether right after he was told he was going to be kept for a 72-hour involuntary mental health hold.

### **Personal Injury Lawsuit Dismissed Hospital Personnel Acted in Good Faith**

The Court of Appeals of Minnesota dismissed the lawsuit filed by the patient against the hospital for the personal injuries he sustained in a scuffle with the hospital nurse and security guard.

The Court agreed with the patient that the hospital failed to follow the letter of the state's mental health law, in that the patient was not handed a copy of the involuntary hold paperwork as he was being informed that he was not going to be allowed to leave. However, that was not the issue.

The real issue was that the two hospital employees were immune from the patient's civil lawsuit for damages because they were acting in good faith with a legitimate belief that a valid 72-hour mental health hold was in effect. Their jobs not only allowed them but also required them to take all necessary steps to keep the patient from eloping from the hospital without treatment, for his own safety. **Cunningham v. Healtheast St. Joseph's Hosp.**, 2010 WL 2486319 (Minn. App., June 22, 2010).

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***The patient was injured in a scuffle with a nurse and a security guard when the patient tried to walk out of the E.R. without treatment.***

***The nurse and the security guard had been told there was a 72-hour mental health hold in effect for the patient.***

***The nurse and the security guard were acting in good faith and were only doing their jobs. The patient has been unable to come forward with any evidence they were acting in bad faith, that is, intentionally engaging in a wrongful act without legal justification.***

***The patient's volatile behavior demonstrated he was in an unsound state of mind which required hospital employees to restrain him physically for his own personal safety.***

COURT OF APPEALS OF MINNESOTA  
June 22, 2010

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