

Psychiatric Care: Dangerous Patient Gets Into Kitchen, Takes Knife, Stabs Patient, Facility Sued.

The victim and the perpetrator were both patients in a state-run residential treatment program for dual diagnosis of chemical dependency and mental illness. They did not know each other beforehand.

Before the incident in question the perpetrator's counselor recommended he be transferred to a psychiatric facility based on his non-compliance with the residential program for dual diagnosis. At the psychiatric facility he was assessed as a danger to himself and others and held involuntarily for six days, after which time it was deemed safe to discharge him back to the residential dual-diagnosis program.

Less than twenty four hours later he got into the kitchen, got a butcher knife and stabbed the other patient.

A healthcare facility's legal obligations include providing adequate and sufficient equipment, personnel and facilities to maintain patients' personal safety.

Allowing a mental patient who is known to be dangerous to have access to the kitchen where a knife can be obtained and used to harm another patient violates the facility's legal obligations to its patients.

CALIFORNIA COURT OF APPEAL
OPINION NOT OFFICIALLY PUBLISHED
June 20, 2005

The California Court of Appeal, in an unpublished opinion, upheld a jury's award of \$305,493.49 for the victim against the county government which operated the dual-diagnosis program.

The key to the verdict in favor of the patient was language in a state statute requiring healthcare facilities to provide sufficient equipment and personnel to maintain patients' personal safety.

The staff knew they had patients with serious mental illnesses. More to the point, they knew this particular patient had just been released from an involuntary mental-health hold. The kitchen should have been locked or more closely supervised. This should not have happened, the court believed.

Mars v. County of Los Angeles, 2005 WL 1426802 (Cal. App., June 20, 2005).