

Psych Patient Threatens To Harm Family Member: Court Points To Duty To Take Action.

A psychiatric patient brutally attacked and attempted to kill his father with a hammer.

Afterward the father filed a civil lawsuit against the corporation which had the contract with the county to provide psychiatric care and community support to mentally ill adults in the county. The patient had had a long history of inpatient and outpatient involvement with the corporation's pilot program for the county and was currently enrolled in the program's unsupervised residential care center.

The California Court of Appeal pointed to several glaring lapses in his care which led up to his attack on his father. The court ruled the father had the right to sue the corporation for negligence for failure to warn the father of the possibility of an attack, for failure to notify law enforcement and for failure to take steps to have the patient confined as a danger to others.

Lack of Medication Supervision

The court first found fault with the corporation's program over a lack of supervision in patients' medication compliance. They allowed this patient to stop taking his medications for bipolar and schizo-affective disorders and precipitated the episode of decomposition which led to the attack on his father.

When a psychiatric patient reveals an intent to harm a specified individual, the patient's caregivers must try to warn the individual, must alert law enforcement and must start the process to have the patient confined or to keep the patient confined as a threat to others.

This legal duty is not limited to licensed psychotherapists or to caregivers who conduct therapy sessions with patients.

The corporate defendant in this case had a contract to provide psychiatrists, psychologists, nurses and personal caregivers in residential and assisted living settings.

CALIFORNIA COURT OF APPEAL
UNPUBLISHED OPINION
January 28, 2005

Failure to Warn of Attack

The patient made numerous statements to the effect he intended to kill his father as his condition was deteriorating into a seriously delusional psychotic state.

The court pointed out that the corporation had physicians, psychologists and nurses on its staff who were specialists in treating seriously mentally ill patients.

Because it was not legally relevant, the court made no effort to identify exactly which corporate employees were guilty of errors and omissions. The duties to warn an identifiable victim of a threatened attack by a psych patient and to notify law enforcement are legal duties of all professional mental-health workers, not just licensed psychotherapists.

Duty to Hospitalize Patient

The patient did actually go to another hospital seeking voluntary admission. They phoned the program's staff suggesting they admit him, as he was offering to be admitted voluntarily, but nothing was done. Family members requested program staff to start him back on his meds and/or to hospitalize him as a danger to others, but their requests were also ignored. Clay v. Telecare Corp., 2005 WL 237352 (Cal. App., January 28, 2005).

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