

## **Sexual Abuse: Drug/Alcohol Rehab Unit Ruled Not Liable.**

The Court of Appeals of Washington ruled that an acute care hospital's inpatient chemical dependency unit is not liable for payment of damages to a female former patient who had sexual relations on the unit with a male staff nurse.

The lawsuit is still pending against the now-former nurse from the hospital.

The nurse reportedly began flirting with her soon after she checked herself in for inpatient alcoholism treatment. They met and kissed in a storage room and on one occasion he got in bed with her in her room. They were supposed to meet in a motel, then at her house after she was discharged, but neither rendezvous took place and the relationship went no further.

The former patient filed a complaint with the hospital administration, which resulted in the nurse being forced to resign, then sued for damages.

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***This is not a case of a disabled, helpless or vulnerable patient being molested by a staff member.***

***This adult patient, a voluntary admit at the facility, voluntarily engaged in consensual sex with a nurse.***

COURT OF APPEALS OF WASHINGTON  
December 22, 2009

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The court said the facts of this case are very different from other cases where institutions are held responsible for helpless, vulnerable adults being molested against their will by care-giving staff.

As far as the hospital's liability is concerned, the nurse had no history of sexual misconduct at this hospital or at any previous employer. The patient was not gravely disabled, helpless or vulnerable. There was no legal duty for the hospital to protect this patient from the consequences of her own actions. Kaltreider v. Lake Chelan Comm. Hosp., \_\_ P. 3d \_\_, 2009 WL 4912642 (Wash. App., December 22, 2009).