

## Suicide Risk: Nurse Failed To Act Based Upon Patient's Screening.

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***The agency is wrong to argue that its employee, the jail nurse who handled this inmate's intake, did not have actual knowledge that the inmate in question was a suicide risk.***

***The inmate answered "yes" to ten of the items on the suicide screening form he filled out at jail intake.***

***Ten affirmative responses is more than enough, under jail policies mandated by state law, to trigger constant close suicide watch.***

***The nurse knew of and disregarded an excessive risk to the inmate's health an safety which posed immediate danger.***

***It was not unreasonable, given the evidence in the case, for the jury to hold the nurse's employer 35% responsible for the million-dollar plus verdict in favor of the inmate's family.***

UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT  
April 13, 2011

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An agency had the contract with the local county government to provide nursing care to inmates of the county jail.

The contract made the agency responsible for screening inmates at the time of intake, reviewing intake forms filled out by inmates and monitoring and referring inmates with mental-health issues.

The agency was required to make its nurses aware of New York state minimum standards for supervision of jail inmates who posed a suicide risk.

### **Patient's Answers To Suicide Screening Mandated Close Supervision**

The inmate answered "yes" to enough of the questions on his intake form pertaining to suicide ideation to trigger a need for constant suicide monitoring.

The agency nurse handling his intake medical screening signed her name at the bottom of the front page of the packet of forms for the inmate's intake medical screening, including the suicide questionnaire, indicating that she had reviewed all of the information.

However, the nurse did not initiate close monitoring of the inmate for suicide. He committed suicide in the jail.

The US Court of Appeals for the Second Circuit upheld the jury's verdict that the agency, the nurse's employer, was partially to blame for the patient's death. The bulk of responsibility was, however, apportioned to the county itself.

The nurse knew the patient was a suicide risk and did not advocate for safety measures as was her professional responsibility. **Sinkov v. Americor, Inc., 2011 WL 1395298 (2nd Cir., April 13, 2011).**