

OPERATORS OF PSYCHIATRIC FACILITY OWE DUTY OF CARE TO THOSE SENT TO THEM FOR HEALTH SCREENING

June 23, 2011 | Law Alerts

Maudsley v. Meta Services

Ct. Appeals, Div. One, June 23, 2011

Authored by the [JSH Appellate Team](#)

A psychiatrist filed a petition for court-ordered evaluation to require Plaintiff to submit to an inpatient psychiatric evaluation. ASU police officers received a call about a suspicious person on campus, and contacted Plaintiff. Plaintiff appeared to have hurt his ankle, and told officers he was mentally ill. A representative from a crisis care organization arrived and took Plaintiff to the Defendant mental health facility. The co-defendant doctor employed by the facility spoke with Plaintiff and told another employee to take Plaintiff to an emergency room for treatment of his ankle. The doctor also instructed Plaintiff to return to the mental health facility after he received the ankle treatment. After going to the ER, Plaintiff left the waiting room before being treated. That night, a witness saw Plaintiff causing a scene at an intersection. Eventually, Plaintiff attempted to cross the street against traffic, was hit by a car and injured. Plaintiff eventually died from the injuries. Plaintiff's estate sued the doctors and the facility for negligence and wrongful death.

The court of appeals reversed the summary judgment in favor of the Defendants, holding that Defendants owed Plaintiff a duty of reasonable care based on Arizona mental health statutes. These statutes reflect a public policy that imposes certain obligations on licensed mental health facilities. Also, Defendant might have owed a duty of reasonable care to Plaintiff if it had a doctorpatient relationship with him. The existence of such a relationship is a factual inquiry, and the finder of fact should have the opportunity to make this preliminary determination.