

West Virginia Supreme Court Reverses Dismissal and Remands Death by Suicide Case to Circuit Court

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Charleston, WV— In a 3-2 ruling, the West Virginia Supreme Court has reversed and remanded an Ohio County Circuit Court’s order granting a motion to dismiss a wrongful death by suicide lawsuit concerning a patient suffering from mental illness.

The lawsuit alleges the defendants – employees of Northwood Health Systems, Inc. and Mid-Valley Healthcare Systems, Inc. – deviated from the standard of care in their treatment of Amy Christine Wade who had been a patient at their facility for more than 10 years. More specifically, the suit alleges that despite the late Ms. Wade’s increasing instability and reported thoughts of suicide, those persons responsible made no changes to her treatment regimen, nor was she referred for hospitalization for crisis stabilization or admitted to an inpatient psychiatric unit.

The lower court had earlier ruled the petitioner’s claims for medical negligence were barred by a failure to allege the decedent was “in the custody” of respondents at the time of her suicide. The state Supreme Court took issue with that ruling.

Bailey Glasser partners Benjamin L. Bailey, P. Gregory Haddad, and Travis A. Prince are representing the estate of the late plaintiff in this lawsuit.

“Before this decision, outpatients that died by suicide had remedy, even under circumstances where they were being treated for their mental illness,” said Haddad on the legal significance of the Supreme Court’s pronouncement. “The importance of this decision is its recognition that people with mental illness are not second-class citizens. It’s a disease that needs to be appropriately treated like any other disease.”

In late February 2018, Ms. Wade’s psychiatric condition began to rapidly deteriorate, with an increase in suicidal thoughts, hallucinations, and emotional instability. In late April 2018, Ms. Wade reported increased sadness, crying, and worrying, and decreased sleep. In June 2018, the medical

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providers noted Ms. Wade was not sleeping and that she had talked about suicide three times in a week. On June 20, 2018, was presented for emergency room treatment because of a state of panic. Ms. Wade committed suicide on June 30, 2018.

The defendants disclaimed any responsibility for Ms. Wade's death on the grounds she was not in their custodial care, or "custody." Despite the fact of her disheveled appearance and repeated threats of suicide, the defendants made no changes related to her medication and treatment, the complaint further alleges.

"After careful review of the briefs and the parties, their oral arguments, the appendix record, and the applicable law, we find that the circuit court erred in concluding that this Court's precedent requires a decedent to be in the 'custody' of a health care provider to assert claims for deviations from the standard of care proximately resulting in a decedent's suicide. Accordingly, we reverse the circuit court's dismissal of the case and remand for further proceedings," the state Supreme Court said in its Nov. 16 ruling.

The ruling goes on to further state that "it would defy logic to permit a health care provider to evade liability for failing to properly admit a patient on the basis that the patient was not admitted."

Haddad said the Bailey Glasser team is looking forward to representing Ms. Wade in the courtroom.

"In this case, the lower court never gave our client a chance to present her case resulted in justice being denied," said Haddad. "We look forward adjudicating this lawsuit in court soon because we believe in treating people with mental health issues fairly."

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Attorneys

Benjamin L. Bailey

Philip Gregory Haddad

Travis A. Prince

Practice Areas

Appellate and Supreme Court Practice

Medical Malpractice