Ohio Court Clarifies the Limited Application of the Medical Professional Judgment Rule

It is a known and unfortunate reality that patients under the care of a psychiatrist or other mental health professional, on occasion, may cause harm to a third party. In those instances, the third party may present a claim not only against the offending patient, but also potentially the psychiatrist or mental health professional that provided care and treatment to the patient. Specifically, the third party will claim that the mental health professional had a duty to control the conduct of the patient to protect third parties from injury.

It has been well-established that Ohio does not recognize a strict duty of a psychiatrist to control the conduct of her patient to protect third parties from injury. Rather, the mental health professional is held to a professional judgment standard. This “professional judgment rule” serves to shield a mental health professional from liability for releasing a patient from treatment who subsequently harms another, if that physician made a professional medical judgment that that patient did not pose an immediate danger to others after careful examination of all relevant data.

The Tenth District of Ohio was recently asked to apply this rule to a case involving the death not of a third party, but of the mental health patient himself. Refusing to extend application to that scenario, the Court in Yurkowski v. University of Cincinnati, 2013-Ohio-242, held that in situations where the claim relates to a determination as to whether a psychiatrist is negligent in releasing a patient from treatment who subsequently harms himself, an ordinary standard of care analysis should be utilized in determining liability, rather than the professional judgment rule that governs situations where a third-party is harmed. In so holding, the Tenth district has drawn a clear distinction between the duty owed by a mental health professional to third parties, versus their own patient.

The professional judgment rule was first recognized by the Ohio Supreme Court in Littleton v. Good Samaritan Hosp. & Health Ctr., 39 Ohio St.3d 86, where the Court reviewed the traditional analysis of ordinary negligence and medical malpractice established in the seminal case of Bruni v. Tatsumi, 46 Ohio St.2d 127. The Littleton Court recognized a “complicating factor” in cases involving mental health professionals, and distinguished those circumstances where no professional standards are present because the harm is inflicted upon a third party with whom that physician has no special relationship.

Years after the Supreme Court’s initial application in Littleton, the Tenth District expanded the professional judgment rule in Brooks v. Ohio Dept. of Mental Health, 1995 WL 681195, which involved a psychiatric patient’s attempted suicide following discharge from a psychiatric facility. In applying the rule to that scenario, the Brooks Court reasoned that the unpredictability of a psychiatric patient’s actions warranted a less stringent standard of care. In what appears to be an about face, that same appellate court in Yurkowski, has now concluded that the Supreme Court intended the rule to only apply in circumstances where a third party is harmed by the released patient, instead of circumstances where the patient harms him or herself. In the later situation, the court explained that the patient shares a distinct physician-patient relationship with the mental health professional, and therefore the professional judgment rule should not apply. Therefore, the application of the rule, at least in the Tenth Appellate District, depends on the identity of the injured party, rather than whether the harm was foreseeable in the judgment of the provider.

If you have any questions regarding the Yurkowski decision, or any other issue with respect to Medical Malpractice Liability or Health Care Law in any field, please feel free to call upon one of our Medical Malpractice / Health Care Law Practice Group members.