

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Risk Management		(2) MEETING DATE May 23, 2006		(3) CONTACT/PHONE Deb Hossli (805) 781-5014	
(4) SUBJECT Request to confirm a \$50,000 settlement with John Collins, previously approved in closed session, over an incident in the County's Mental Health In-Patient Psychiatric Unit.					
(5) SUMMARY OF REQUEST During the May 16, 2006 closed session, the Board of Supervisors authorized settlement of a claim with John Collins over medical malpractice allegations stemming from a suicide in the County's Mental Health In-Patient Psychiatric Unit (IPPU). The claimant alleges that, due to misconduct and negligence on the part of County staff, Mr. Collins's brother was able to commit suicide while a patient at the IPPU. The County has agreed to settle the matter for \$50,000. Today's action is necessary to close out the claim.					
(6) RECOMMENDED ACTION It is recommended that the Board confirm a \$50,000 settlement with John Collins, previously approved in closed session, over an incident in the County's Mental Health In-Patient Psychiatric Unit.					
(7) FUNDING SOURCE(S) Medical Malpractice Fund		(8) CURRENT YEAR COST \$50,000		(9) ANNUAL COST \$50,000	
(10) BUDGETED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Health Agency concurs with the recommended settlement.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, <u>All</u>			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: center; font-size: 2em; font-family: cursive;"> 3/2 G Wilcox </div> <div style="text-align: right; font-size: 2em; font-family: cursive; transform: rotate(-15deg);"> B. H. Hossli </div>
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County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



DAVID EDGE
COUNTY ADMINISTRATOR

TO: Board of Supervisors

FROM: Deb Hossli, Risk Management

DATE: May 23, 2006

SUBJECT: Request to confirm a \$50,000 settlement with John Collins, previously approved in closed session, over an incident in the County's Mental Health In-Patient Psychiatric Unit.

Recommendation:

It is recommended that the Board confirm a \$50,000 settlement with John Collins, previously approved in closed session, over an incident in the County's Mental Health In-Patient Psychiatric Unit.

Discussion:

During the May 16, 2006 closed session, the Board of Supervisors authorized settlement of a claim with John Collins over medical malpractice allegations stemming from a suicide in the County's Mental Health In-Patient Psychiatric Unit (IPPU). The claimant alleges that, due to misconduct and/or negligence on the part of County staff, Mr. Collins's brother was able to commit suicide while a patient at the IPPU. The County has agreed to settle the matter for \$50,000. Today's action is necessary to close out the claim.

The County acknowledges that Mental Health staff did not adhere to certain internal policies and procedures relative to the decedent's care. At the same time, however, we find no evidence that either the errors in protocol or the nature of the care provided by the Mental Health employees involved in the incident can be characterized as "misconduct or negligence" as the claimant alleges. Rather, the decedent was fully assessed by licensed and trained Mental Health staff and monitored in accordance with his treatment plan. Staff misread the decedent's intentions and it resulted in his death. Fairly or unfairly, this creates a potential for a finding of liability on the part of the County and is why we agreed to the \$50,000 settlement.

Other Agency Involvement/Impact:

The Health Agency concurs with the recommended settlement.

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Financial Considerations:

The settlement totals \$50,000; of which \$10,000 will be paid by the County's Medical Malpractice Fund and \$40,000 will be paid through the CSAC-Excess Insurance Authority's Medical Malpractice Program.

Results:

This will allow the County to close out a claim.

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