



Smits v. Park Nicollet Health Services (Minn. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this case is whether mental health care providers can be held liable for violent acts their patients commit outside the providers' facilities while undergoing outpatient mental health treatment with therapy and medication.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

In 2015, Brian Short fatally shot his family and himself. In the three months leading up to the incident, Mr. Short had visited Park Nicollet Health Services nine times for outpatient treatment of anxiety and depression. He was most recently seen 23 days prior to his death. Mr. Short's treatment included common anti-anxiety and anti-depressant medications.

Following the underlying deaths, Mr. Short's next of kin filed a medical malpractice suit against Park Nicollet Health Services and its related health entities. The Minnesota trial court granted summary judgement for the defendants, finding that: (1) health care clinicians cannot be held liable for the violent actions of a patient they cannot control; and (2) the tragic events were not foreseeable, as the patient had no history of violence, threats of violence, or thoughts of violence disclosed to his care team at any time.

On February 16, 2021, the Minnesota Court of Appeals reversed the trial court decision and remanded the case. The court of appeals stated that foreseeability could be established because the patient was on anti-depressant medication, which carried a black-box warning about increased risk of harm to oneself or others. In addition, the court held that the defendants could be liable even though they had no special relationship in treating Mr. Short simply because they are health care providers.

The Minnesota Supreme Court granted review.

Litigation Center Involvement

The Litigation Center and MMA joined an *amicus* brief filed with the Minnesota Supreme Court in support of the defendants.