

SUMMARY STATEMENT

Mattson v. Idaho Dep't of Health and Welfare

Docket. No. 49187

This appeal involved a medical malpractice action and whether a provision of the Idaho Tort Claims Act (“ITCA”) immunized the state and its employees from liability. In 2018, Terri Richardson Mattson (“Mattson”) and her husband filed this action against the Idaho Department of Health and Welfare, and its employee, Laurie Gallegos, a certified physician assistant (“Defendants”), alleging medical malpractice and failure to obtain informed consent related to outpatient mental health services Mattson received from Defendants. As a part of those services, Gallegos prescribed Mattson Prozac (fluoxetine), an antidepressant. Roughly one month later, the day of her follow up appointment with Gallegos, Mattson woke up, took a firearm from her gun cabinet, went to the liquor store, bought a bottle of vodka, drank the entire bottle while driving to her follow up appointment, and when she arrived in the Department’s parking lot, fired the gun into her head. Mattson survived but suffered extensive injuries. Subsequently, Mattson and her husband filed this action against Defendants.

The district court granted summary judgment to Defendants on two grounds: (1) Defendants were immune from liability under the ITCA, I.C. § 6-904A(2), because Mattson’s claims arose out of injuries sustained while she was receiving services from a “mental health center”; and (2) the “reckless, willful and wanton conduct” exception to immunity did not apply as a matter of law. Mattson and her husband timely appealed on both grounds.

The Idaho Supreme Court affirmed the district court’s decision that Mattson’s and her husband’s claims fell within the purview of the “mental health center” immunity provision in the ITCA, I.C. § 6-904A(2). However, the Court reversed the district court’s decision that there was no triable jury question under the “reckless, willful and wanton conduct” exception to immunity. The Court explained that Mattson had alleged sufficient facts such that a reasonable person could find that Defendants’ acts or omissions were “reckless, willful and wanton[.]” *See* I.C. §§ 6-904A, 6-904C(2). Thus, the Court vacated the judgment and remanded the case for further proceedings.

***** This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public. *****