

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Beverly Q. Russell.*

3 [H 1821]

4 Approved

5 Whereas, Beverly Q. Russell was employed as a psychiatric nurse by the Department of Mental  
6 Health, Mental Retardation and Substance Abuse Services at Catawba Hospital on and prior to July 21,  
7 1994; and

8 Whereas, on July 21, 1994, while Mrs. Russell was performing her nursing duties, she was violently  
9 attacked by a patient; and

10 Whereas, the patient who attacked Mrs. Russell had a history of violence and had selectively refused  
11 the medicine prescribed for him; and

12 Whereas, the patient was located on a level of the hospital designed for patients demonstrating  
13 compliance and improvement and requiring less security; and

14 Whereas, although Mrs. Russell called for help when the patient attacked her, nearby employees  
15 arrived too late to prevent injury to Mrs. Russell; and

16 Whereas, Mrs. Russell pressed criminal charges against the patient, who was taken into police  
17 custody upon his release from Catawba Hospital; and

18 Whereas, the patient was released by the magistrate on \$100 bond against the strong advice of the  
19 investigating detective; and

20 Whereas, the patient failed to appear at his scheduled court date; and

21 Whereas, the patient was finally located in Florida and returned to the Circuit Court for the County  
22 of Roanoke; and

23 Whereas, the patient was tried and found guilty of the felony of malicious wounding under § 18.2-51  
24 of the Code of Virginia and sentenced to ten years incarceration at the Virginia Department of  
25 Corrections, with six years suspended; and

26 Whereas, the patient pleaded guilty to the felony of failure to appear under § 19.2-128 B of the Code  
27 of Virginia and sentenced to one year incarceration at the Virginia Department of Corrections with nine  
28 months suspended; and

29 Whereas, the patient was tried and found guilty of the misdemeanor of assault and battery under  
30 § 18.2-57 of the Code of Virginia and was sentenced to incarceration in jail for twelve months; and

31 Whereas, Mrs. Russell suffers from, and on account of, personal physical injuries including, but not  
32 limited to, posttraumatic stress disorder, major depression and has experienced major alterations to her  
33 lifestyle as a result of the attack and as result of fear of future harm from the patient; and

34 Whereas, although Beverly Q. Russell would like to return to work as a nurse, she is not currently  
35 able to return to work, has suffered lost wages and has incurred losses greater than those which are  
36 covered by insurance and workers' compensation; and

37 Whereas, Beverly Q. Russell has no other means to obtain relief except by action of this body; now,  
38 therefore,

39 **Be it enacted by the General Assembly of Virginia:**

40 **1. § 1.** *That there is hereby allocated from the general liability insurance trust fund administered by the*  
41 *Division of Risk Management of the Department of General Services for the relief of Beverly Q. Russell*  
42 *on account of her personal physical injuries the amount of \$129,500 to be paid by checks issued by the*  
43 *State Treasurer on warrant of the Comptroller to Beverly Q. Russell, subject to a release by her of all*  
44 *claims (other than claims for workers' compensation and the Virginia Retirement System) against the*  
45 *Commonwealth and its political subdivisions, agencies, instrumentalities, officers or employees in*  
46 *connection with or arising out of the aforesaid occurrence.*

47 **§ 2.** *The award granted hereby is subject to the following conditions: (i) subject to the release of*  
48 *claims by Mrs. Russell, \$64,750 is payable on or before July 1, 1999; (ii) the remaining amount of the*  
49 *award is payable in five equal installments of \$12,950 on July 1 of each year from 2000 through 2004;*  
50 *and (iii) the amounts payable annually shall be paid each July 1 only upon receipt by the preceding*  
51 *June 1 of each year by the Department of Mental Health, Mental Retardation and Substance Abuse*  
52 *Services of a written physical and mental evaluation of Mrs. Russell which finds her unable to return to*  
53 *work as a psychiatric nurse. In addition, no further payments shall be made if (i) the Virginia*  
54 *Retirement System Medical Board determines that Mrs. Russell may work as a nonpsychiatric nurse*  
55 *without losing her Virginia Retirement System disability benefits and (ii) Mrs. Russell obtains*  
56 *employment as a nonpsychiatric nurse.*