

# 1999 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

INTRODUCED

HB2406

999906254

## HOUSE BILL NO. 2406

Offered January 21, 1999

*A BILL for the relief of Beverly Q. Russell.*

Patrons—Griffith, Cranwell and Woodrum

Referred to Committee on Claims

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

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

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

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

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

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

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

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

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

Whereas, the patient was tried and found guilty of the felony of Malicious Wounding under § 18.2-51 of the Code of Virginia and sentenced to ten (10) years incarceration at the Virginia Department of Corrections, with six (6) years suspended; and

Whereas, the patient plead guilty to the felony of Failure to Appear under § 19.2-128.B the Code of Virginia and was sentenced to one (1) year incarceration at the Virginia Department of Corrections with nine (9) months suspended; and

Whereas, the patient was tried and found guilty of the misdemeanor of Assault & Battery under § 18.2-57 of the Code of Virginia and was sentenced to incarceration in jail for twelve (12) months; and

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

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

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

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

**1. § 1. That the Commonwealth of Virginia and its political subdivisions, agencies, instrumentalities, officers and employees hereby agree to waive any and all protection afforded by sovereign immunity, including the waiver of any and all defenses of Statutes of Limitation and Workers' Compensation, and permit Beverly Q. Russell the opportunity to pursue her claims against the Commonwealth in connection with or arising out of the aforesaid occurrence.**