

088799776

HOUSE BILL NO. 1417

Offered January 11, 2008

A BILL for the relief of Kay F. Couch Johnson.

Patron—Ware, O.

Referred to Committee on Appropriations

Whereas, Kay F. Couch Johnson (Ms. Johnson) and Beverly Q. Russell (Ms. Russell) were employed as psychiatric nurses 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, Ms. Johnson and Ms. Russell were performing nursing duties; and

Whereas, Ms. Russell left the central nursing station to go to the west wing of the facility, leaving Ms. Johnson with two female assistants; and

Whereas, as Ms. Russell was making rounds through the west wing, she was violently attacked by a patient; and

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

Whereas, the patient was located on a floor of the hospital designated for patients requiring less security; and

Whereas, as Ms. Russell was being attacked she called out for help; and

Whereas, Ms. Johnson rushed from a nursing station alone to assist Ms. Russell; and

Whereas, when Ms. Johnson saw what was happening, she immediately called back to the nurses station to sound an alarm for more assistance; and

Whereas, Ms. Johnson tried to talk to the patient, but he turned and attacked her; and

Whereas, the patient severely beat Ms. Johnson breaking her nose and causing serious physical trauma to her body; and

Whereas, in addition to the serious physical injuries, Ms. Johnson also suffers from post-traumatic stress disorder, depression, and significant cognitive impairment as a result of the attack; and

Whereas, despite desiring to return to work as a psychiatric nurse, Ms. Johnson has not been able to return to work, has suffered lost wages, and has incurred losses greater than those that are covered by insurance and workers' compensation; and

Whereas, Kay F. Couch Johnson 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. That there is hereby allocated from the general liability insurance trust fund administered by the Division of Risk Management of the Department of General Services for the relief of Kay F. Couch Johnson on account of her personal physical injuries the amount of \$161,875 to be paid by checks issued by the State Treasurer on warrant of the Comptroller to Kay F. Couch Johnson, subject to a release by her of all claims (other than claims for workers' compensation and the Virginia Retirement System) against the Commonwealth and its political subdivisions, agencies, instrumentalities, officers or employees in connection with or arising out of the aforesaid occurrence.

§ 2. The award granted hereby is subject to the following conditions: (i) subject to the execution of a release of claims by Kay F. Couch Johnson, \$80,937.50 is payable on or before July 1, 2008; (ii) the remaining amount of the award is payable in five equal installments of \$16,187.50 on July 1 of each year from 2009 through 2013; and (iii) the amounts payable annually shall be paid each July 1 only upon receipt by the preceding June 1 of each year by the Department of Mental Health, Mental Retardation and Substance Abuse Services of a written physical and mental evaluation of Ms. Johnson that finds her unable to return to work as a psychiatric nurse. In addition, no further payments shall be made if (a) the Virginia Retirement System Medical Board determines that Ms. Johnson may work as a nonpsychiatric nurse without losing her Virginia Retirement System disability benefits and (b) Ms. Johnson obtains employment as a nonpsychiatric nurse.

INTRODUCED

HB1417