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HOUSE BILL NO. 93

House Amendments in [] — February 16, 1998

A BILL for the relief of Beverly Q. Russell.

Patron—Cranwell

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 refused the medicine prescribed for him; and

Whereas, the patient was located on a level of the hospital designated for patients 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 prosecuting attorney; and

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

Whereas, Mrs. Russell suffers from posttraumatic stress disorder and major depression as a result of the attack and as result of fear of future harm from the patient; and

Whereas, Mrs. Russell is not 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 [*there is hereby allocated from the general liability insurance trust fund administered by the Division of Risk Management of the Department of General Services the State Comptroller shall allocate*] for the relief of Beverly Q. Russell the amount of \$133,786.80 to be paid by checks issued by the State Treasurer on warrants of the Comptroller to Beverly Q. Russell, upon 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. The award granted hereby is subject to the following conditions: (i) subject to the release of claims by Mrs. Russell, \$53,514.72 is payable on or before July 1, 1998; (ii) the remaining amount of the award is payable in six equal installments of \$13,378.68 on July 1 of each year from 1999 through 2004; 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 Mrs. Russell which finds her unable to work. In addition, no further annual payments shall be made if (i) the Virginia Retirement System Medical Board determines that Mrs. Russell may work as a nonpsychiatric nurse without losing disability retirement benefits and (ii) Mrs. Russell obtains employment as a nonpsychiatric nurse.

ENGROSSED

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