

## Pa. Mental Health Rejection Suits Could Rise, Atty Says

By **Y. Peter Kang**

Law360 (May 12, 2025, 11:14 PM EDT) -- The Pennsylvania Supreme Court's recent decision to greenlight a suit accusing two hospitals of negligently rejecting a man seeking mental health treatment who later murdered his girlfriend could spark a rise in such lawsuits, one attorney warned.

In a **6-1 decision**, the court held that a healthcare provider's rejection of a person's verbal request to seek inpatient mental health treatment is enough to trigger Pennsylvania's Mental Health Procedures Act, which lays out healthcare provider liability when someone experiencing a mental health crisis presents a danger to themselves or others.

The April 25 ruling essentially found that the proper paperwork does not need to be filled out in order to impose a duty on a healthcare provider to protect someone in a mental health crisis.

Westley Wise killed his girlfriend, Jessica Frederick, days after being discharged from Geisinger Medical Center, where he sought inpatient treatment for fear that he would kill himself or someone else. The lawsuit alleges Geisinger and a second hospital that Wise visited days later, Allegheny Medical Center, were grossly negligent in discharging him.

The hospitals had argued that Wise — who ultimately pled guilty to third-degree murder — did not complete the intake paperwork when he appeared, which they argued was necessary to trigger the Mental Health Procedures Act. However, the majority disagreed.

"Under the MHPA, an individual's act of presenting himself to an approved facility and orally requesting admission for voluntary inpatient treatment is sufficient to constitute an application for voluntary inpatient treatment for purposes of the MHPA," Chief Justice Debra Todd wrote.

The ruling follows the ongoing trend of Pennsylvania Supreme Court cases in favor of the plaintiffs bar, according to Daniel E. Cummins of Cummins Law, a defense attorney who handles personal injury cases.

"It was yet another decision by a plaintiff-oriented Supreme Court in favor of the plaintiffs' position on a liability issue," he told Law360.

The state high court in recent years has a track record of expanding opportunities for injured parties to pursue monetary recoveries, Cummins said, and the recent opinion could embolden plaintiffs attorneys to file more suits involving third parties harmed by a person rejected for mental health treatment.

"This opinion will expand potential liability for hospitals and mental health providers because it extended the class of plaintiff that can sue them who were injured by someone who requested involuntary mental health treatment," he said.

In addition, the family of a person who commits suicide after being rejected for treatment could sue, Cummins added.

"The estate of that family will now have a claim against mental health providers asserting that their decedent requested mental health and was rejected or rebuffed," he said. "Those parties now have this opinion to rely upon to argue that they were grossly negligent ... it opens the door for many

more plaintiffs or families of those injured by that patient to bring a lawsuit."

The attorney said that repercussions from the opinion might include healthcare providers facing more lawsuits and agreeing to more settlements — which could increase malpractice insurance costs for medical professionals, as well as consumer healthcare costs.

"There could be a ripple effect from this decision," he said.

But one plaintiffs attorney disagreed, saying these types of cases are rare, extremely complex and difficult to prosecute.

"They are not as common because the cases have built-in complexities," said Eric Weitz, who specializes in medical malpractice cases.

An attorney not only has to meet a higher burden of proof to establish gross negligence in the mental health context, which has its own vagaries as opposed to the medical health context, but they also must persuade a jury who may not be knowledgeable about mental health disorders, Weitz said.

"There's an information gap about behavioral health, about suicide, about people with uncontrolled conditions whether it be depression or bipolar disorder, so the recognition that a professional should've recognized it — it's hard to convey that to a jury, so you don't see many cases."

Weitz said he does not think the justices' decision will expand liability for hospitals and other mental healthcare providers.

"I have a hard time believing that hospitals or insurers are doing an annual underwriting analysis on whether they have exposure over whether somebody fills out the right form or not," he said. "This opinion is ultimately saying that if someone comes in, in crisis, and is seeking help and you turn them away, you can be held accountable."

Here, Geisinger had all the key information about Wise's mental health history and his candid statements that he felt like he was "going to snap," Weitz said.

"Geisinger had knowledge that this person had articulated that he was on the edge and that he had past problems, and the hospital's argument was, essentially, that he didn't fill out the right form properly," he said. "It was an attempt by Geisinger to escape accountability and it didn't work."

The cases are *Matos v. Geisinger Medical Center et al.*, case number 93 MAP 2023, and *Matos v. Allegheny Medical Center et al.*, case number 94 MAP 2023, in The Supreme Court of Pennsylvania.

--Additional reporting by P.J. D'Annunzio. Editing by Jay Jackson Jr. and Michael Watanabe.