

# SOUTH CAROLINA Lawyers Weekly

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## VERDICTS & SETTLEMENTS

### \$5 MILLION VERDICT

## Patient dies after hospital discharge in unsafe mental state

**Action:** Wrongful death

**Injuries alleged:** Death

**Case name:** Branton v. The Regional Medical Center of Orangeburg and Calhoun Counties

**Court/case no.:** Orangeburg County Circuit Court / 2021-CP-38-01138

**Judge:** Maite Murphy

**Demand:** \$1.2 million

**Last pre-trial offer:** \$85,000

**Amount:** \$1 million

**Special damages:** \$4 million survival damages

**Date:** Oct. 13, 2023

**Most helpful expert:** David Husted, clinical psychology, Palm Beach, Florida

**Attorneys:** James Moore III and Scott Evans of Evans Moore, Georgetown; David Williams of Williams & Williams, Orangeburg; and Robert Goings of Goings Law Firm, Columbia (for the plaintiff); Michael C. Tanner of Michael C. Tanner LLC, Bamberg (for the defendant)

### By Rasmus S. Jorgensen

A jury awarded \$5 million to the family of a woman who died shortly after a psychiatrist discharged her from an involuntary commitment at the Regional Medical Center in Orangeburg.

Adrienne T. Branton, 69, suffered from schizophrenia but took medications that helped her live what her family's attorneys described as a normal life. But in the spring of 2019, after having lived on her own for 19 years, Branton's medications became ineffective, and she spent months in mental health hospitals as medical providers attempted to find medications that would be effective.

When she was discharged to a boarding home, she immediately stopped taking her medicine and became manic, the family's at-

torneys said. The boarding home called 911, and Branton was taken to the Regional Medical Center, a nonprofit hospital owned by Orangeburg and Calhoun counties.

An emergency room physician signed involuntary commitment paperwork and recommended that Branton be hospitalized for continued medication management. An experienced psychiatrist concurred, but the psychiatrist overseeing the behavioral health unit disagreed, and Branton was discharged.

Upon her return to the boarding home, Branton's manic behavior continued, and she sat in the yard wearing a wool blazer on a hot October day until she had a fatal heat stroke.

Her family claimed in the lawsuit that the medical center was negligent by failing to stabilize an actively psychotic patient and by discharging her to an environment unequipped to handle her medical needs, requesting damages for Branton's wrongful death and for the suffering a pathologist testified Branton experienced during the heat stroke.

"This was a \$4,000 visit that she was treated for," Scott Evans of Evans Moore, one of the plaintiffs' attorneys, said. "Once you decide to accept those funds and to treat the patient, the standard of care requires that that patient be stabilized and be discharged into a safe environment."

According to Evans, some doctors testifying at the trial said they would sometimes keep patients at the hospital for weeks until a bed opened up in a safe environment, such as a nursing home, to avoid discharging unstable patients into conditions that might not be safe for them.

The defense's key argument, according to Evans, was that the doctor who discharged Branton is a skilled professional who



made an assessment that she was stable and not a threat to herself.

The plaintiffs did not ask the jury for a specific award, but Evans said he was pleased with the \$5 million verdict, which was significantly more than the last pre-trial demand of \$1.2 million, the maximum the plaintiffs could collect from physicians employed on behalf of the government.

"However, that cap can be multiplied if the jury finds that there were multiple acts of negligence. In this case, the jury found that there were two separate acts of negligence by the government-employed physician that combined to cause Mrs. Branton's death," Evans said.

As a result, the total collectible amount from the award is \$2.4 million.

Bamberg attorney Michael Tanner, who represents the Regional Medical Center in Orangeburg, did not immediately respond to a request for comment.