IMMUNITY - COLORADO

City of Arvada ex rel. Arvada Police Department v. Denver Health and Hospital Authority

Supreme Court of Colorado - October 10, 2017 - P.3d - 2017 WL 4508736 - 2017 CO 97

Public hospital brought action against city, seeking payment of medical expenses incurred at hospital after patient received treatment for a self-inflicted gunshot wound, sustained while police officers were investigating report of domestic disturbance at patient's home.

The District Court granted hospital summary judgment. City appealed. The Court of Appeals affirmed. City petitioned for certiorari review, which petition was granted.

The Supreme Court of Colorado held that:

- Statute providing that persons arrested or in custody were to be provided with medical treatment if required did not create implied private right of action in favor of hospital, overruling *Poudre Valley Health Care Inc. v. City of Loveland*, 85 P.3d 558, and
- Hospital's unjust enrichment claim against city was not barred by Colorado Governmental Immunity Act (CGIA).

Statute providing that persons arrested or in custody were to be provided with medical treatment if required, and that anyone receiving medical treatment while held in custody could be assessed a medical treatment charge, did not create implied private right of action in favor of public hospital to recover payment, from city, for medical expenses incurred for treatment of patient for self-inflicted gunshot wound which was sustained during police investigation into reported domestic disturbance at patient's home; statute focused solely on rights and duties of confining state entity with respect to person in custody, not third parties who might incidentally assist detaining government in fulfilling its statutory duties; overruling *Poudre Valley Health Care Inc. v. City of Loveland*, 85 P.3d 558.

Public hospital's unjust enrichment claim against city, pursuant to which hospital sought payment of medical expenses incurred in treating patient for self-inflicted gunshot wound sustained during police investigation into domestic disturbance at patient's home, sounded in contract and did not, and could not, lie in tort and, thus, claim was not barred by Colorado Governmental Immunity Act (CGIA). Hospital asserted that city received a benefit at hospital's expense because city was statutorily-obligated to provide medical treatment that was provided to patient.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com