
IMMUNITY - WYOMING

Craft v. State ex rel. Wyoming Department of Health

Supreme Court of Wyoming - June 10, 2020 - P.3d - 2020 WL 30717552020 WY 70

Deceased patient's adoptive brother, who was also patient's biological father, and patient's appointed personal representative brought action against state hospital psychologist and state hospital, alleging numerous § 1983, wrongful death, negligence, and medical malpractice claims.

The District Court granted defendants' motions to dismiss for failure to state a claim. Adoptive brother and personal representative appealed.

The Supreme Court held that:

- Adoptive brother had standing to bring a wrongful death action, and
- Psychologist's act in providing written forensic analysis of patient's mental health qualified as an action within the scope of her duties in the operation of the hospital under the Wyoming Governmental Claims Act.

Deceased patient's adoptive brother, who was also patient's biological father, qualified as a beneficiary under the intestacy laws and had standing to bring a wrongful death action against state hospital and others; adoptive brother was an heir with a tangible interest in the outcome of the controversy.

State hospital psychologist's act in providing written forensic analysis of patient's mental health qualified as an action within the scope of her duties in the operation of the hospital under the Wyoming Governmental Claims Act; patient had been at the hospital for over eight months at the time of his death, and psychologist and hospital were treating patient throughout his stay in pursuit of restoring his competency.

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