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Mattson v. Idaho Department of Health and Welfare

Supreme Court of Idaho, Boise - January 2023 Term - May 4, 2023 - P.3d - 2023 WL 3236922

Patient and her husband brought action against Idaho Department of Health and Welfare and certified physician assistant, alleging medical malpractice and failure to obtain informed consent.

The First Judicial District Court granted summary judgment in favor of defendants. Patient and husband appealed.

The Supreme Court held that:

- Idaho Tort Claims Act provided immunity for claims arising out of injuries to person receiving services from state mental health center, hospital, or similar facility;
- Provision of Idaho Tort Claims Act providing immunity for claims arising out of injury to "person receiving services from a mental health center, hospital or similar facility" included noncustodial outpatient services provided by state; and
- Fact issue existed as to whether defendants' alleged negligence amounted to "reckless, willful and wanton conduct."

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