

Psychiatric Nurse Held Liable As Patient's Suicide Results in \$12 Million Verdict

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Rebecca Iannantuoni, Successor

Administratrix of the Estate of Alan E.

Jarecki, Deceased v. Catherine M. Florio:

A New Haven jury has returned a \$12 million verdict in a case brought by the estate of a man who committed suicide after his medication levels were reduced by Yale-New Haven Hospital and a psychiatric nurse allegedly failed to monitor his health.

Because the hospital had previously settled with the estate, the verdict will result in the nurse paying the family \$4 million.

According to the lawsuit, Alan Jarecki, formerly of Madison, was admitted to the hospital in July 2009 because he was considering suicide. The hospital began to taper him off the medication, Ativan, which he had been taking for about 10 years. While Ativan can be addictive, it had reportedly helped Jarecki cope with his anxiety. After 10 days in the hospital, the lawsuit states, Jarecki was discharged into the care of Catherine Florio, a psychiatric advanced practice registered nurse employed by VNA Community Healthcare of Guilford. She practiced part of the time at what was then called Harbor Health in Branford where she treated Jarecki. The facility is now known as BH Care.

Plaintiff's lawyers claim that Florio saw Jarecki only one time, and that she told him to come back in three months. Nine days later, when he was completely off of his medication, Jarecki called his mother, drove to Bauer Park in Madison and then killed himself.

"The standard for good, responsible mental health care must be the same for everyone, rich or poor," said one of the plaintiff's lawyers, Katie Mesner-Hage of Koskoff, Koskoff & Bieder in Bridgeport, who tried the case with Joshua Koskoff. "Al Jarecki was at the lowest point in his life in 2009 — recently diagnosed with a chronic illness, unemployed, and coming off a 10-year dependence on medication."

Mesner-Hage explained that Jarecki worked as a painter. He developed colitis and it was often difficult to work through the painful condition. When he was admitted to the hospital, it was following a suicide attempt. Doctors decided

that before he could get the psychiatric help he needed, they needed to take him off the Ativan, which is a type of benzodiazepine — or tranquilizer — used to treat anxiety.

"Especially nowadays people aren't put on benzos for a long period of time, mostly because they are so addictive," said Mesner-Hage. "The professionals at Yale felt it had become an unhealthy addiction."

When Jarecki left Yale, he had one week left of taking benzos. After having been on the medication for 10 years, he had difficulty during the tapering process, according to Mesner-Hage. Lawyers for Jarecki's estate argued that Yale-New Haven Hospital should not have released Jarecki before he was off the drug. The attorneys also said Florio failed to adequately and properly assess Jarecki for physiological signs and symptoms of benzodiazepine withdrawal and that she should have helped him get into an "intensive outpatient program."

Mesner-Hage said such programs run three hours a day for three days a week. A social worker from Yale-New Haven Hospital testified as a neutral third-party witness that the availability of this type of program was one of the main reasons why the hospital referred Jarecki to Harbor Health in the first place. Further, Mesner-Hage said that Florio didn't take a full medical history from Jarecki during his one visit and didn't look at any medical records from Yale-New Haven Hospital. "She didn't really see the whole picture of Al Jarecki," said Mesner-Hage. "She saw what he was like that day but didn't get any of that

critical information about his 10-year dependence."

Jarecki's estate initially filed the medical malpractice lawsuit against the hospital, Harbor Health and Florio in 2011. A settlement for an undisclosed amount was reached between the plaintiffs and Yale-New Haven Hospital and Harbor Health. That left only Florio as a defendant at trial.

Florio was defended by Michael Deakin of Deakin, Edwards & Clark in Woodbridge.

Deakin did not return a call seeking comment. At trial, Deakin argued that Florio had met the standard of care in treating Jarecki. He argued her main responsibility was to manage his medications and that she had done that appropriately.

The plaintiffs presented two expert witnesses, an advanced practice registered nurse and a psychiatrist who testified that Florio's care was below the standard of care. The defense presented another APRN who said she did meet the standard of care.

Also at the trial, the plaintiff's lawyers told the jury about Jarecki's life. Jarecki was 55 years old at the time of his death. He was unmarried and had no children, but he was very close with his siblings. One sister lived down the street and Jarecki was like a father figure to his young niece. He was a house painter by day but also a skilled artist.

Mesner-Hage said Jarecki was born premature and that his left hand was deformed—he had a thumb but no fingers. Despite his life-long disability he went to become a high school football star and an artist. "All of these things

he did with his hands despite being born with a disability," said Mesner-Hage.

The trial lasted three weeks in New Haven Superior Court before Judge Salvatore Agati. The jury deliberated for three hours and then returned a verdict of \$12,032,500. The jury found Yale-New Haven Hospital was responsible for 65 percent of that amount and Florio liable for 35 percent. Because the hospital had already settled, Jarecki's estate was awarded 35 percent of the roughly \$12 million verdict, or about \$4 million.

The plaintiff's lawyers said the family felt vindicated by the result. Joshua Koskoff said the verdict recognizes that good mental health care is not a privilege but a right. "Al Jarecki had the courage to ask for the help he needed," Koskoff added. "He did his part, but the medical professionals responsible for his care didn't do there's."