

OHIO COURT OF APPEALS, TWELFTH DISTRICT, WARREN COUNTY

Booth v. Lazzara

2026-Ohio-225 · No. CA2025-05-038 · Decided January 26, 2026

SUMMARY

The Ohio Twelfth District Court of Appeals affirmed summary judgment for a psychiatrist in a professional-negligence and wrongful-death action arising from the treatment and discharge of an involuntarily hospitalized patient. The court held that R.C. 5122.34 may provide immunity for mental-health professionals who assist in the hospitalization or discharge of a patient under R.C. Chapter 5122, including conduct concerning treatment during hospitalization. The court further concluded that the psychiatrist made a prima facie showing of good faith and that the plaintiff failed to present evidence creating a genuine issue of material fact.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth District, Warren County
WRITING FOR THE COURT	Robert A. Hendrickson, Presiding Judge; Matthew R. Byrne, Judge; Robin N. Piper, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth District, Warren County
DECIDED	January 26, 2026
DOCKET	CA2025-05-038
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff's administratrix appealed from the Warren County Court of Common Pleas's grant of summary judgment to a psychiatrist on professional-negligence, wrongful-death, negligence, and survivorship claims.
STANDARD OF REVIEW	De novo review of summary judgment. Summary judgment is proper when there is no genuine issue of material fact, the moving party is entitled to judgment as a matter of law, and the evidence permits only a conclusion adverse to the nonmoving party; evidence is construed in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within applicable Ohio appellate authority.

PARTIES

Brandi Booth, as Administratrix of the Estate of Dustin L. Booth v.
Jonathan Lazzara, D.O.

TOPICS

medical malpractice professional negligence summary judgment statutory interpretation
standard of review

PRACTICE AREAS

health law medical malpractice professional negligence mental health law civil procedure

QUESTIONS PRESENTED

1. Whether R.C. 5122.34 applies to a mental-health professional's treatment and discharge of a patient involuntarily hospitalized through the R.C. 5122.10 emergency-admission process.
2. Whether R.C. 5122.34 immunity extends to claims concerning the quality of treatment and diagnosis provided during the patient's hospitalization, rather than only the admission or discharge procedures.
3. Whether the evidence created a genuine issue of material fact concerning Lazzara's good faith under R.C. 5122.34 so as to preclude summary judgment.

HOLDINGS

1. R.C. 5122.34 can provide immunity to a mental-health professional who procedurally or physically assists in the hospitalization or discharge of a person hospitalized through the R.C. 5122.10 process and identified as a person subject to hospitalization under R.C. 5122.01(B)(3).
2. R.C. 5122.34 may protect a mental-health professional from liability for claims arising from physical or procedural assistance throughout a patient's hospitalization, including treatment and diagnosis, as well as discharge, if the statute's remaining requirements are satisfied.
3. Booth failed to produce evidence sufficient to show that no reasonable psychiatrist would have treated and discharged Dustin as Lazzara did. Alleged deviations from the objective standard of care, record discrepancies, and evidence concerning best practices did not rebut the prima facie showing of good faith under R.C. 5122.34.

KEY QUOTATIONS

“R.C. 5122.34 does not apply to immunize mental health professionals from liability in all contexts[,]” (§ 26)

“Therefore, we find there is no genuine issue of material fact that Dr. Lazzara is immune from liability under R.C. 5122.34 and that he is entitled to judgment as a matter of law.” (§ 44)

“It is well settled that to rebut such a prima facie showing, Brandi must prove that, under the same circumstances, no reasonable psychiatrist would have treated and discharged Dustin in the same way.” (§ 42)

FACTUAL BACKGROUND

Dustin Booth was involuntarily hospitalized under Ohio's emergency-admission, or "pink slip," process after his family and law enforcement became concerned about manic and unusual behavior, including reduced sleep, weight loss, increased activity, and cannabis use. Dr. Jonathan Lazzara, a psychiatrist, treated Dustin from approximately February 1 through February 7, 2022, diagnosed Bipolar Disorder I with mania, prescribed medication, and discharged him after observing improvement and medication compliance. Four days after discharge, Dustin's behavior deteriorated, he engaged in a standoff with police, and he died from gunshot wounds sustained during the encounter. His administratrix alleged that Lazzara negligently diagnosed, treated, and discharged him.

PROCEDURAL HISTORY

Brandi Booth filed suit against Jonathan Lazzara in the Warren County Court of Common Pleas after Dustin Booth died from gunshot wounds following his discharge from involuntary psychiatric hospitalization. After discovery, Lazzara moved for summary judgment, asserting immunity under R.C. 5122.34. The trial court found that Lazzara made a prima facie showing of good faith and that Booth failed to rebut it, then granted summary judgment. The Twelfth District affirmed.

DISPOSITION

affirmed

CASES CITED

- French v. New Paris, 2011-Ohio-1309, ¶ 17 (12th Dist.)
- Grafton v. Ohio Edison Co., 77 Ohio St.3d 102, 105 (1996)
- Morris v. Dobbins Nursing Home, 2011-Ohio-3014, ¶ 14 (12th Dist.)
- Spitzer v. Frisch's Restaurants, Inc., 2021-Ohio-1913, ¶ 6 (12th Dist.)
- BAC Home Loans Servicing, L.P. v. Kolenich, 2011-Ohio-3345, ¶ 17 (12th Dist.)
- Hillstreet Fund III, L.P. v. Bloom, 2010-Ohio-2961, ¶ 9 (12th Dist.)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Touhey v. Ed's Tree & Turf, L.L.C., 2011-Ohio-3432, ¶ 7 (12th Dist.)
- Dresher v. Burt, 75 Ohio St.3d 280, 292-293 (1996)
- Oliphant v. AWP, Inc., 2020-Ohio-229, ¶ 31 (12th Dist.)
- Deutsche Bank Natl. Trust Co. v. Sexton, 2010-Ohio-4802, ¶ 7 (12th Dist.)
- Taylor v. Atrium Med. Ctr., 2019-Ohio-447, ¶ 10 (12th Dist.)
- Auto Recyclers of Middletown, Inc. v. Stein, L.L.C., 2025-Ohio-414, ¶ 26 (12th Dist.)
- Bostic v. Salvation Army, 2023-Ohio-933 (8th Dist.)
- Loughran v. Kettering Mem. Hosp., 126 Ohio App. 3d 468, 474-475 (2d Dist. 1998)
- Piper v. Bruno, 2011-Ohio-587, ¶¶ 16, 19-24 (3d Dist.)
- Johnson v. Patel, 2008-Ohio-596, ¶¶ 12, 40, 42, 44, 48, 58-60 (5th Dist.)
- Yayathi v. Chittiprolu, 2006-Ohio-6897, ¶ 13 (10th Dist.)

- Estates of Morgan v. Fairfield Family Counseling Ctr., 1997-Ohio-194, ¶ 71
- Turner v. Cent. Local School Dist., 1999-Ohio-207, ¶ 13
- Littleton v. Good Samaritan Hosp., 39 Ohio St.3d 86, 93, 96 (1988)
- Griffin v. Twin Valley Psychiatric Systems, 2003-Ohio-7024, ¶¶ 119-120 (10th Dist.)
- State v. Moody, 2022-Ohio-2529, ¶ 15 n.1 (12th Dist.)
- State v. Conley, 2021-Ohio-2638, ¶ 30 (3d Dist.)
- Gysegem v. Ohio State University Wexner Medical Center, 2021-Ohio-4496, ¶ 74 (10th Dist.)
- Havely v. Franklin Cty., 2008-Ohio-4889, ¶¶ 36-37 (10th Dist.)
- Yurkowski v. Univ. of Cincinnati, 2013-Ohio-242, ¶ 26 (10th Dist.)

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