

SUPREME COURT OF ALABAMA

Hernandez v. Department of Human Resources of Alabama

971 So. 2d 652 (Ala. 2007) · Decided April 27, 2007

SUMMARY

The Alabama Supreme Court granted Hattie Randall’s petition for a writ of mandamus and directed the trial court to enter summary judgment in her favor based on State-agent immunity. Randall, a day-care licensing consultant, was sued in connection with the death of an infant who received toxic medications while attending a licensed day-care facility. The court analyzed Alabama’s State-agent immunity framework under *Ex parte Cranman* and the requirements for mandamus review of an immunity-based summary-judgment ruling.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Bolin, Justice; Bolin; Lyons; Woodall; Stuart; Smith; Parker; See; Cobb; Murdock
JURISDICTION	Alabama
DECIDED	April 27, 2007
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Hattie Randall petitioned for a writ of mandamus directing the Montgomery Circuit Court to vacate its denial of her summary-judgment motion based on State-agent immunity and to enter summary judgment in her favor.
STANDARD OF REVIEW	The Supreme Court reviewed the immunity-based denial of summary judgment by mandamus and applied de novo review under the Rule 56 summary-judgment standard, viewing the evidence in the light most favorable to the nonmoving party and resolving reasonable doubts against the movant. Mandamus requires a clear legal right, an imperative duty to act, no adequate remedy, and properly invoked jurisdiction.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Hattie Randall v. Robert D. Hernandez, Mary L. Hernandez

TOPICS

writ of certiorari

summary judgment

administrative law

wrongful death

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether denial of Randall's summary-judgment motion based on State-agent immunity was reviewable by petition for a writ of mandamus.
2. Whether Randall was entitled to State-agent immunity for her conduct in evaluating the day-care facility's medication-record practices and completing the licensing-evaluation form.
3. Whether Randall was entitled to State-agent immunity for her evaluation of the facility's staffing and supervision practices.
4. Whether the Hernandezes presented substantial evidence of fraud sufficient to withstand summary judgment.

HOLDINGS

1. The denial of a motion for summary judgment grounded on immunity is reviewable by petition for a writ of mandamus.
2. Randall was entitled to State-agent immunity against claims arising from her evaluation of the day-care operator's written medication-authorization practices.
3. Randall was entitled to State-agent immunity against claims arising from her evaluation of the day-care facility's staffing and supervision.
4. The fraud claim failed as a matter of law because the Hernandezes presented no substantial evidence that Randall made a material misrepresentation on which they reasonably relied and that proximately caused injury.

KEY QUOTATIONS

"A State agent shall be immune from civil liability in his or her personal capacity when the conduct made the basis of the claim against the agent is based upon the agent's" (662-663)

"Randall's failure to detect that Poplin must have been administering medication without proper documentation is consistent only with negligent or wanton behavior." (664)

"PETITION GRANTED; WRIT ISSUED." (666)

FACTUAL BACKGROUND

Hattie Randall, a Department of Human Resources day-care-licensing consultant, inspected Tiny Tots Family Day Care in connection with renewal of its license. She found multiple recordkeeping and compliance deficiencies but treated written medication authorizations as not applicable, discussed medication and staffing requirements with the operator, and recommended license renewal after deficiencies were corrected. Two months

after beginning care at the facility, Douglas Hernandez died after receiving multiple drugs while at the day care; the death was ultimately classified as a homicide caused by acute drug toxicity. Douglas's parents alleged that Randall negligently or fraudulently failed to investigate medication practices, supervision, staffing, and licensing compliance.

PROCEDURAL HISTORY

The Hernandezes sued the Alabama Department of Human Resources, its commissioner, and Randall for wrongful death and fraud arising from the licensing and supervision of a home day-care facility. The Department and commissioner were dismissed. The Montgomery Circuit Court denied Randall's motion for summary judgment, finding a jury question concerning whether she followed departmental procedures. Randall sought mandamus relief from the Alabama Supreme Court, which granted the petition and issued the writ.

DISPOSITION

writ_granted

CASES CITED

- Ex parte Purvis, 689 So. 2d 794 (Ala. 1996)
- Young v. La Quinta Inns, Inc., 682 So. 2d 402 (Ala. 1996)
- Hurst v. Alabama Power Co., 675 So. 2d 397 (Ala. 1996)
- Fuqua v. Ingersoll-Rand Co., 591 So. 2d 486 (Ala. 1991)
- Aldridge v. Valley Steel Constr., Inc., 603 So. 2d 981 (Ala. 1992)
- Ex parte Brislin, 719 So. 2d 185 (Ala. 1998)
- Ex parte Turner, 840 So. 2d 132 (Ala. 2002)
- Dynasty Corp. v. Alpha Resins Corp., 577 So. 2d 1278 (Ala. 1991)
- Boland v. Fort Rucker National Bank, 599 So. 2d 595 (Ala. 1992)
- Rowe v. Isbell, 599 So. 2d 35 (Ala. 1992)
- Ex parte Nall, 879 So. 2d 541 (Ala. 2003)
- Ex parte BOC Group, Inc., 823 So. 2d 1270 (Ala. 2001)
- Ex parte Cranman, 792 So. 2d 392 (Ala. 2000)
- Ex parte Rizk, 791 So. 2d 911 (Ala. 2000)
- Ex parte Butts, 775 So. 2d 173 (Ala. 2000)
- Giambrone v. Douglas, 874 So. 2d 1046 (Ala. 2003)
- Ex parte Wood, 852 So. 2d 705 (Ala. 2002)
- Ex parte Davis, 721 So. 2d 685 (Ala. 1998)
- Ex parte Estate of Reynolds, 946 So. 2d 450 (Ala. 2006)
- Howard v. City of Atmore, 887 So. 2d 201 (Ala. 2003)
- Phillips v. Thomas, 555 So. 2d 81 (Ala. 1989)
- Town of Loxley v. Coleman, 720 So. 2d 907 (Ala. 1998)

- Byrd v. Lamar, 846 So. 2d 334 (Ala. 2002)

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