

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Faulty Shower Chair: Court Lets Patient Sue For Violation Of JCAHO Safety Standards.

The shower chair collapsed while a hospital patient was showering with the assistance of a CNA. The patient sued the hospital for her injuries.

The patient's lawsuit was based on a registered nurse's expert witness report. The hospital challenged the report as insufficient to establish legal liability, but the Court of Appeals of Texas overruled the hospital's challenge. The nurse/expert's report correctly stated the legal standard of care, the court said.

### JCAHO Safety Standards

The standard of care requires the effective management of the environment of care to control and reduce environmental hazards and risks, prevent accidents and injuries and maintain safe conditions.

This translates to a requirement for a hospital to perform periodic inspections of equipment used in direct patient care by performing regular, periodic environmental tours and by seeing that safety policies and procedures are followed to ensure proper maintenance of all safety equipment.

All equipment used in patient care must be inspected to insure that it is in good repair and a policy should exist to remove, repair or dispose of equipment not in good repair.



***The injured patient has the right to allege the hospital breached the standard of care by failing to provide a shower chair that was safe and in good working order.***

***The hospital failed to have a system for periodic and routine inspections and failed to enforce procedures for the removal of unsafe equipment by nursing personnel.***

COURT OF APPEALS OF TEXAS  
February 15, 2007

### Patient Safety is Nursing Responsibility

The patient's nurse/expert laid blame for this unfortunate occurrence squarely on the hospital's nursing staff.

Nursing staff are responsible for patient safety while nursing care is being performed. Failing to provide safe equipment for use in nursing care is negligent and sub-standard care, the court said.

### Routine Safety Inspection

The hospital had apparently never developed or implemented standard procedures for periodic or routine safety inspections of direct patient care equipment.

### Staff Orientation

It therefore went without saying that there could have been no effort taken, before this incident, to orient staff to the necessity of carrying out the hospital's procedures for periodic inspection, correction, repair or removal of unsafe equipment.

### Check Equipment Before Use

The most direct way the hospital could have prevented this incident and the ensuing lawsuit, the court said, would have been for the personnel involved in direct care to have been instructed to perform very simple, basic safety checks of anything they intend to use, right before use, in addition to whatever routine environment inspections that take place. **Christus Health v. Lanham**, 2007 WL 473301 (Tex. App., February 15, 2007).

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