

## Stevens-Johnson Syndrome: Court Ruling On Nurses' Role In Medication Side Effects.

A young woman suffered a psychological breakdown in the courtroom when her bail was revoked and she was ordered jailed on a charge of domestic violence.

She was taken to a hospital psych unit and was diagnosed with bipolar disorder. The psychiatrist ordered Lamictal 25 mg twice per day.

Lamictal carries some risk of serious, possibly fatal skin conditions, Stevens-Johnson Syndrome and Toxic Epidermal Necrosis.

After a few days she was discharged from the hospital directly to the county jail. In the jail she began to show signs of a serious skin condition. A jail corrections officer kept giving her the Lamictal. No doctor or nurse was on duty in the jail to assess her condition.

After a few days in jail the patient was taken to the E.R. at the same hospital where she was a psych patient, this time for her worsening skin condition. When her skin deteriorated even further she was moved to a university medical center's ICU for nine days with a severe rash affecting ninety-nine percent of her body.

The patient filed suit against the first hospital and the county jail.

### Informed Consent

The US District Court for the Middle District of Alabama saw a problem with the fact the psychiatrist at the first hospital failed to explain the risks and benefits of Lamictal and did not get the patient's informed consent.

However, the Court ruled that the nurses who gave the medication were not responsible for obtaining the patient's informed consent. Informed consent is not a nursing responsibility.

### Charting Medications In the E.R.

It is still unresolved at this point whether the patient told the E.R. nurses during her second admission that she had been given Lamictal. The Court said it would be a breach of the standard of care for a nurse to fail to chart a medication the patient told the nurse she was taking.

The Court brought up the fact that the E.R. nurses did not review the patient's records from her first hospitalization at the same hospital. However, since the patient's lawsuit failed to make the allegation that that was a negligent error or omission the Court could not rule on the issue one way or the other. **McBride v. Houston County**, 2015 WL 3892715 (M.D. Ala., June 24, 2015).

## Advance Directive: Hospital's Nurses Failed To Contact Agent, Did Not Honor Advance Directive.

Two years before her hospitalization the elderly patient signed an advance directive for healthcare naming her granddaughter with whom she lived as her healthcare agent.

When the patient was hospitalized for pneumonia the granddaughter gave the hospital a copy of the advance directive and told various hospital caregivers that no heroic measures were to be initiated to prolong her life.

In compliance with hospital policy the advance directive was inserted prominently in the front of the chart.

Late at night shortly after surgery to resect lung tissue the patient went into respiratory distress.

The ICU nurses did not contact the granddaughter but instead phoned the surgeon at home and got permission for intubation by the E.R. physician.

***A hospital can be liable to the family for the patient's avoidable pain and suffering after the patient's wishes as expressed in an advance directive have been ignored.***

***There was a basic problem of lack of informed consent for the intubation.***

***The patient could not give her own consent and her properly-designated agent had already declined.***

COURT OF APPEALS OF GEORGIA  
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Once the patient was intubated hospital protocols for DNR extubation came into play and she was not allowed to expire for ten days while numerous medical procedures were performed.

The Court of Appeals of Georgia let the family's lawsuit against the hospital go forward.

The Court ruled the ICU nurses who got the surgeon to order the patient intubated should have made a good faith effort to rely on the granddaughter's directions and decisions as the patient's designated health care agent, the nurses' legal duty under state law.

The nurses were aware of the advance directive the patient had signed, and the granddaughter named as agent had expressly told them not to intubate the patient without contacting her. **Doc-tor's Hosp. v. Alicea**, \_\_ S.E. 2d \_\_, 2015 WL 3757027 (Ga. App., June 17, 2015).