

## Abuse: No Intent, No Patient Abuse, Court Says.

The ruling has been overturned in a case we reported in May, 2007.

See *Patient Abuse: Nurse Used Pillow To Muffle Patient's Cries*. Legal Eagle Eye Newsletter for the Nursing Profession, (15)5, May '07, p.8.

A nurse used a pillow over the mouth to muffle the cries from one patient, suffering from dementia and the effects of a brain tumor, who was acting out in distress. She did it to avoid unnecessary alarm to another neuro rehab patient, recovering from a subarachnoid hemorrhage, who was resting quietly in a nearby darkened room.

A co-worker reported the nurse to their supervisor, who reported her to the state department of human services, who put her name in the registry of caregivers found guilty of abuse of a dependent adult.

The Court of Appeals of Iowa agreed with the department and went so far as to say the nurse criminally assaulted her patient. The Supreme Court of Iowa, however, reversed the Court of Appeals and the department and ordered the nurse's name removed from the registry.

According to the Supreme Court of Iowa, to commit abuse a person must possess the mental state of intent to harm a patient or other dependent person.

This nurse had no intent to harm anyone and was actually motivated by concern for the safety and welfare of another very fragile individual in her care. Wyatt v. Dept. of Human Services, \_\_ N.W. 2d \_\_, 2008 WL 162243 (Iowa, January 18, 2008).