

## Psych Nursing: Nurse Assumed Patient Was Acting Out, Not Guilty Of Abuse Or Neglect Of Her Patient.

An RN had been working at the state psychiatric hospital for more than fifteen years without ever being accused of patient abuse or neglect.

The ward where she worked housed patients known at times to act out aggressively toward staff members. The RN had been assaulted on numerous occasions and was physically smaller than most of the patients, including the females.

She heard a commotion and left the nurses station to investigate. She found an adult female patient lying face down on the floor with her eyes closed. The patient's clothing was soaked with urine. The patient did not respond to the nurse when she shouted at her. The nurse checked and found that the patient was breathing.

The RN was familiar with this particular patient. Based on her familiarity with the patient the nurse assumed the patient's behavior was a display of mental-health issues rather than a physiologic medical emergency.

She decided the next indicated action was to get the patient up, get her bathed and change her clothing, something which the RN was not physically capable of doing by herself. The unit was short-staffed that day and she had to leave the patient alone on the floor to go and look for at least one other staff person to assist her.

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***Many of these psychiatric patients are unpredictable.***

***It is not uncommon for them to lie on the floor and urinate and defecate on themselves.***

***The facility has a general policy to promote patient dignity, which means that patients are not supposed to be allowed to lie on the floor.***

***Nurses have no specific written guidance from the facility to be followed when a patient is found on the floor, but general nursing standards would call for the patient to be encouraged to get up and sit in a chair.***

***If the patient does not respond to verbal encouragement, which is not uncommon with psychiatric patients, the nurse should provide further assessment, which includes checking to see that the patient is breathing.***

SUPERIOR COURT  
NEW CASTLE COUNTY, DELAWARE  
October 29, 2010

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Four minutes after she left the patient an aide came and told the RN the patient was not breathing. The RN, two other nurses and two aides rushed to the patient's side. They started CPR and successfully revived the patient.

Although the RN did not see it happen before her interaction with the patient, a surveillance video camera in the corridor caught the patient leaving her room, lying down on the floor, raising her head several times and rolling herself over on her side.

### **No Abuse or Neglect of Patient**

The RN was reported to the state division of long term care. A hearing officer found her guilty of abuse for allegedly leaving the patient unattended during a life-threatening medical emergency.

On appeal, however, the Superior Court, New Castle County, Delaware ruled there was no abuse or neglect.

It would be abuse not to begin resuscitation immediately with a patient who is not breathing. Outside an acute care hospital, where emergency medical care is not immediately available on site, someone must also call 911 immediately.

Here, however, the nurse assessed the patient and found she was breathing before leaving her. In leaving her patient the RN was not ignoring or neglecting her patient's needs but was going for the help she needed to meet her patient's needs after making an assessment that the patient was having a psychiatric episode and not having a medical emergency, the Court pointed out. **Jain v. Del. Dept. of Health & Social Services, 2010 WL 4513438 (Sup. Ct. New Castle Co., Delaware, October 29, 2010).**