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# Nurse Patient Advocate

**T**he hospital advertised to the public it had available all the care anyone could need, on a twenty-four hour basis, including adult psychiatric services. The public were invited to call the hospital for a free assessment. The hospital advertised in addition that it had a twenty-four hour suicide crisis line.

Nurses answering the crisis line received several phone calls from a despondent man. The man's family phoned about his bizarre behavior. The family expressed concern he was a suicide risk. The man's wife went to the hospital to speak with someone about her husband, and talked to one of the nurses in the emergency room.

Soon the man was taken to the hospital emergency room in person. A nurse, who had spoken with the family on the crisis line, made no effort to get a physician to see the man for a suicide assessment or to have the man admitted for suicide precautions and inpatient psychiatric treatment. Instead, because the man had no job, no money and no insurance, the nurse gave him and the family the names of other facilities where they might want to go. The nurse also phoned around to see if some other facility would take him.

The man was not seen by a physician, received no psychiatric assessment and was not admitted. He left the hospital in a highly agitated state. A few hours later he sat down in the middle of an interstate highway and was killed by a truck.

The Court of Appeal of Louisiana was not persuaded to consider testimony from the nurses that the man and his family only came in for referral information rather than for an immediate psychiatric assessment for suicide potential and emergency care. There was, the court ruled, a clear violation of the standards for nursing practice in the nurses not taking a strong position as advocates for this patient's needs. **Fleming vs. HCA Health Services of Louisiana, Inc.**, 676 So. 2d 839 (La. App., 1996).

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***A nurse has the legal obligation to advocate for access to physician assessment, diagnosis and care for a person who presents in acute need of emergency medical or psychiatric intervention.***

***Merely informing the patient or a family member of other places the patient might go, or even contacting other facilities on the patient's behalf to make arrangements for the patient to go elsewhere in an emergency, does not fulfill the nurse's legal duty.***

***The nurse's legal duty in an emergency situation exists apart from the legal duties imposed on hospitals by the Federal Emergency Treatment and Active Labor Act.***

***Hospitals are obligated by state laws to provide emergency assessment and care to patients, regardless of patients' ability to pay.***

***A healthcare facility which advertises that it provides free assessments to psychiatric patients must provide such an assessment, especially for an acutely suicidal individual.***

COURT OF APPEAL OF LOUISIANA, 1996.

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