

## Post-Op Care: Failure To Ambulate As Cause Of Pulmonary Embolism.

The Court of Appeals of Texas stated that nurses have a strict legal duty to follow the physician's orders for ambulation after surgery.

If the patient remains immobile there is a substantial risk of thrombosis leading to a pulmonary embolism.

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***A thrombus or blood clot can form as the result of a patient's immobility following surgery, or the size of an existing thrombus can increase.***

***If a thrombus, often in the leg, breaks loose and enters the lungs it is a pulmonary embolism, a dire life-threatening condition.***

***Nurses must ambulate patients post-surgery in accordance with the physician's orders and must be able to recognize the signs of a pulmonary embolism.***

COURT OF APPEALS OF TEXAS, 2001.

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That being said, the court dismissed the family's wrongful death lawsuit against the surgeon and the hospital where the deceased died from a pulmonary embolism soon after a routine laparoscopic appendectomy.

The pathologist testified he died from a pulmonary embolism and pulmonary embolism is a generally known risk from immobility, but the court did not find specific evidence that failure to ambulate caused or aggravated the thrombus in this patient. ***Sisters of St. Joseph of Texas, Inc. v. Cheek***, 61 S.W. 3d 32 (Tex. App., 2001).

## Quadriplegic Scalded By Hot Water: Can Sue For Pain And Suffering.

The Court of Appeal of Louisiana ruled that a personal care attendant assisting a quadriplegic to shower has a strict legal duty to monitor the temperature of the water to make sure the patient is not scalded by hot water.

In this case while maneuvering the patient the attendant apparently bumped the lever-type hot water control in the shower over to the very hot position, allowing hot water to flow out and scald him, which the court said is negligence.

### **No Feeling In Quad's Lower Body**

The court threw out the argument that a quad cannot sue for pain and suffering if he is scalded in his lower body. He had to sleep in an unaccustomed and awkward position while his injuries healed. ***Keel v. West Louisiana Health Services***, 803 So. 2d 382 (La. App., 2001).

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## Psych Meds: Danger To Self Is Legal Standard.

The District Court of Appeal of Florida reiterated the established legal rule that danger to self or danger to others are the only accepted legal bases for involuntary mental health commitment.

### **Refusal To Take Meds Is Not Enough**

In and of itself, a patient's verbalizing that she will not take her psych meds after she is discharged from the hospital is not grounds to keep the patient in the hospital and medicate her against her wishes, even if her psychiatric condition will deteriorate. The court said there must be proof of a substantial likelihood the patient will inflict serious harm on herself or another to justify involuntary mental health treatment. ***Henson v. State of Florida***, 801 So. 2d 316 (Fla. App., 2001).

## Diversion Of Narcotics: Nurse Guilty Of Voluntary Act, License Suspended.

A nurse stole a fentanyl patch from the trash at work, took it home, extracted the narcotic, mixed it with water and injected himself, he said, in an attempt to commit suicide. He lost his nursing license and his case-manager job which required a nursing license.

He claimed he had a disabling mental illness that forced him to do it and rendered him not responsible for his actions.

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***A nurse who diverts narcotics may be suffering from an addiction or mental illness that to some extent diminishes the nurse's power of control over his actions.***

***However, the law looks at whether there was time for the nurse to reflect on his actions and consider the consequences.***

***If there was time to reflect, the law considers the act voluntary and the nurse is guilty of criminal conduct for which he can lose his license and his job.***

SUPERIOR COURT OF NEW JERSEY,  
APPELLATE DIVISION, 2001.

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The Superior Court of New Jersey, Appellate Division, disagreed. It was a conscious, deliberate and voluntary criminal act for which he was legally responsible. Even if compelled by mental illness or addiction to divert narcotics, nurses are fully responsible for their actions. ***Mullarney v. Board of Review***, 778 A. 2d 1114 (N.J. App., 2001).