

Post-Surgical Care: Nurses Did Not Give Anticoagulant, Court Blames Nurses For Embolus.

The patient was admitted for skilled nursing care following surgical removal of a lipoma from her thigh.

Twenty days later, while still under the facility's care, she died from a pulmonary embolus.

Two different lawsuits were filed by two different family members. The Court of Appeals of Texas waded through the novel legal technicalities posed by that situation and agreed in the one case still pending to accept the medical expert reports that had been filed in the other.

The medical experts linked the patient's death directly to the fact the facility's nurses had failed to implement anticoagulant drug therapy as outlined by the treating physician in his admission orders.

Not only was that a breach of the legal standard of care for nurses caring for a post-surgical patient, the court believed, but there was a direct link to the patient's death from a pulmonary embolus, the outcome that was sought to be avoided by the anticoagulants. Manor Care Health Services, Inc. v. Ragan, __ S.W. 3d __, 2006 57355 (Tex. App., January 12, 2006).

To testify as an expert in a healthcare malpractice lawsuit, a witness must be practicing health care in a field that involves the same type of care or treatment and must have knowledge of the accepted standards of care.

A physician is not disqualified from testifying against nurses, just because the physician is not a nurse, if the physician is familiar with nursing standards.

COURT OF APPEALS OF TEXAS
January 12, 2006
