

Car Parked Unlocked At Nursing Home: Residents Find, Drink From Container Of Antifreeze, Die.

The owner/operator of a nursing home left an unsealed container of antifreeze in the back seat of his unlocked vehicle parked at the nursing home.

The vehicle was his personal car, but it was often used to transport residents to outings off the premises.

An employee arriving for work heard two confused residents sitting in the car blowing the horn. They thought they were going on an outing. One was cuddling an antifreeze container she found on the floor in the back seat. She said it was her doll.

Later that evening both residents were rushed to the hospital with abdominal pain and vomiting. They both died from antifreeze poisoning.

The Court of Appeals of South Carolina approved a substantial wrongful death settlement for negligence. **Hubbard v. Taylor**, 529 S.E. 2d 549 (S.C. App., 2000).

Patient Suicide: Court Faults Nurse's Referral Of Patient To Chemical Dependency Program.

The patient walked away from the hospital and ended his life by jumping into a ravine.

The position and location of the body were not consistent with an accident, and he had been verbalizing suicidal intentions.

Contrary to the nurse's assessment the patient's psychotic symptoms made him unsuitable for the chemical dependency program.

It was a twenty-one day inpatient program, but it necessarily involved unmonitored movement from one place to another on the hospital campus and required the patient to be able to handle off-campus passes for contacts with his family and with resources in the community.

The nurse and others deviated from accepted standards for psychiatric care.

UNITED STATES DISTRICT COURT,
PENNSYLVANIA, 2000.

The United States District Court for the Western District of Pennsylvania ruled against the United States government in a civil professional negligence case filed over the death of a psychiatric patient receiving care at a VA hospital.

The court faulted a nurse who assessed the patient as suitable for the hospital's inpatient chemical dependency program. It was a complicated case and the court also faulted a staff nurse and at least two staff psychiatrists for failing to recognize the man's acute psychotic symptoms and for failing to follow up appropriately by getting him out of the chemical dependency program and into a more restrictive environment.

As they were all U.S. government employees, and the government was the only defendant, it was irrelevant for the court to try to apportion blame among them.

The patient was a Vietnam veteran. He had been diagnosed with bipolar disorder, had a significant drug and alcohol problem and suffered post-traumatic stress symptoms from repressed childhood abuse and from his wartime combat.

The problem with the chemical dependency program, in the court's judgment, was a lack of structure and close supervision that was needed for the man while he was experiencing acute psychosis and voicing suicidal thoughts. Patients in the program could walk the campus freely and were often absent on pass, which provided the circumstances for this patient to walk off and kill himself. **Estate of Whitting v. U.S.**, 99 F. Supp. 2d 636 (W.D.Pa., 2000).

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E. Kenneth Snyder, BSN, RN, JD
Editor/Publisher
PO Box 4592
Seattle, WA 98194-0592
Phone (206) 440-5860
Fax (206) 440-5862
kensnyder@nursinglaw.com
www.nursinglaw.com

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