

## Autopsy: Court Faults Hospital's Procedures.

The forty-nine year-old patient's adult daughter asked the hospital to perform an autopsy to determine why her mother died in the hospital.

The mother's attending physician asked a nurse to have the daughter sign the hospital's consent form for an autopsy.

The nurse simply had the daughter read the form and sign it and had no further discussion with the daughter.

Afterward the body was sent to a funeral home without some of the internal organs. The internal organs were retained in the hospital pathology department, then eventually were placed in biohazard bags, incinerated on site and the ashes were sent off to the local landfill in the trash.

The daughter sued the hospital. Her lawsuit alleged she was never informed or agreed to what was going to happen with her mother's remains, that incineration of the organs amounted to cremation which under Florida law requires specific consent and that the hospital deprived her of the opportunity for a second autopsy.

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### ***A healthcare facility can be sued by the family for mishandling the remains of a deceased patient.***

DISTRICT COURT OF APPEAL  
OF FLORIDA  
October 8, 2014

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In a complicated legal opinion, the District Court of Appeal of Florida threw out the \$1.5 million verdict awarded to the daughter and ordered a new trial.

The judge erroneously allowed the jury to place all the blame on the pathologist, even though there was nothing specifically wrong with the way the autopsy itself was done.

The jury instead should have been told to focus on the hospital's procedures for obtaining informed consent from the family for an autopsy and its procedures for handling the remains in a respectful manner consistent with the family's expressed wishes. Winter Haven v. Liles, \_\_ So. 3d \_\_, 2014 WL 5002115 (Fla. App., October 8, 2014).

## Choking Death: Court Sees Grounds For Suit.

The elderly stroke patient had been diagnosed with dysphagia and Alzheimer's dementia.

He was discharged to extended care from skilled care at the same location with a recommendation from his speech pathologist for supervision during meals and a diet of pureed foods and thin liquids.

While in extended care he took a peanut butter sandwich from the sandwich cart and went to sit at his regular place in the dining room. A nurse found him unresponsive some time later. CPR was started and he was taken by ambulance to a hospital where he died.

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### ***The patient had had a stroke and suffered from Alzheimer's.***

***He required considerable care and supervision for his activities of daily living, including supervision while eating.***

***His evaluation for dysphagia led to a recommendation for a diet of pureed foods and thin liquids.***

***The nursing facility had a duty to implement a plan of care and to provide adequate numbers of adequately trained care-giving staff to meet his needs.***

COURT OF APPEAL OF LOUISIANA  
October 1, 2014

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The Court of Appeal of Louisiana saw grounds for a nursing negligence lawsuit by the patient's family.

As it was a lawsuit for professional negligence from provision of healthcare, however, the family was required under Louisiana law to submit the case to a medical review panel. Since that was not done the Court provisionally dismissed the case. Campbell v. Nexion, \_\_ So. 3d \_\_, 2014 WL 4852964 (La. App., October 1, 2014).

## Skin Care: Court Dismisses Patient's Case.

The patient was admitted through the emergency department for H1N1 pneumonia and was put for a time into a medically-induced coma.

During her hospital stay she developed an advanced pressure ulcer that healed but left permanent scarring.

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### ***The patient's nursing expert admitted that even with the best nursing care a patient can develop a pressure ulcer.***

COURT OF APPEALS OF MICHIGAN  
September 30, 2014

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The Court of Appeals of Michigan dismissed the patient's lawsuit which named the hospital and three individual nurses as defendants.

When admitted the morbidly obese patient already had rashes in multiple skin folds. The Court accepted the nurses' testimony that the patient was given a specialty bed designed for use with larger patients with a pressure reduction surface with continuous rotation and was repositioned more or less every two hours.

Repositioning was done even though it sometimes made it difficult for the patient to breathe afterward and required close attention by the nurses to her O<sub>2</sub> sat until she got used to her new position.

The patient told the nursing expert witness hired for her case that she had often complained to her nurses about difficulty breathing after being turned. However, the Court said that did not justify the expert to conclude the patient was not frequently repositioned nonetheless.

The nurses testified they were careful about minimizing friction and shear during repositioning.

They paid attention to her nutrition and monitored her blood sugars regularly.

She was monitored for excessive skin moisture. When skin problems appeared, saline, dressings, Nystatin powder and Hydrogel ointment were used as needed. Hammond v. Pt. Huron, 2014 WL 4854295 (Mich. App., September 30, 2014).