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LEGAL EAGLE EYE NEWSLETTER

October 2004

For the Nursing Profession

Volume 12 Number 10

No Assistance To Bedside Commode, Bed Wheels Not Locked: Jury Finds Negligence.

The patient was admitted to the hospital for back pain, for her a long-standing condition.

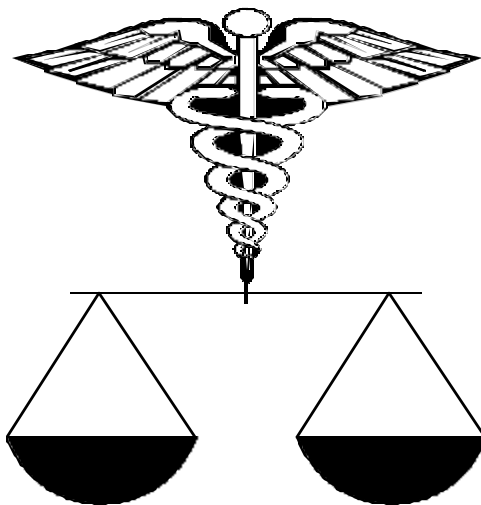
Because she was unstable on her feet and had a history of falls due to her back condition the hospital placed the patient on fall precautions. She was not to get up out of bed without assistance, her bed rails were to be raised and her call button was always to be placed within her reach.

However, on the night in question, five days into her hospital stay, hospital staff placed a commode beside her bed and told her to use it herself for her restroom needs throughout the night.

When the patient tried to get up to the commode by herself she fell because the bed rolled. She tried to stand up by herself and fell again because the bed rolled due to the fact the bed wheels were not locked.

She was discharged home four days later, but continued to have more back pain than usual. Her treating physician, an anesthesiologist specializing in chronic pain, related her back pain after the incident to aggravation of her back condition caused by her injuries from the fall in the hospital.

The patient sued the hospital. The jury ruled the hospital was negligent, but awarded her no compensation.



The patient was on fall precautions. She was not to get up without assistance.

A commode was placed at her bedside and she was told to use it on her own as needed throughout the night.

She tried to get up on her own, fell and re-aggravated her back condition.

The bed wheels were not locked. That is negligence.

SUPREME COURT OF IOWA

September 1, 2004

Hospital Is Ruled Negligent

The Supreme Court of Iowa accepted the patient's nursing expert's testimony that the hospital was negligent. The nursing expert focused on the fact the hospital bed wheels were not locked to prevent movement during a transfer or when the patient got up.

The Supreme Court of Iowa overruled the jury's decision not to award damages. The jury was unable to find any connection between the fall and aggravation of the patient's back condition because the lower-court judge refused to allow the patient's pain specialist to testify on the patient's behalf. The lower-court judge ruled the patient's lawyer missed the court's deadline to designate the patient's pain specialist as an expert witness.

The Supreme Court of Iowa, however, ruled that in Iowa a patient's treating physician, not being a "hired gun," is not what the law contemplates as an expert witness who must be identified by a certain deadline or is prohibited from testifying. Thus the patient's pain specialist should have been allowed to testify on her behalf. A new trial was ordered so the patient's case could receive full consideration. ***Hansen v. Central Iowa Hosp. Corp.***, __ N.W. 2d __, 2004 WL 1936475 (Iowa, September 1, 2004).

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