

Brain Bleed: Nurse In E.R. Provided Competent Care.

The twenty-one year-old patient came to the hospital's emergency department at 4:40 p.m. with what she described as the worst headache of her life.

She told the E.R. physician the headache started when she landed after jumping out of a tree, about a three-foot drop. In addition to the left-side headache she told the physician she had dizziness, difficulty with light, right-sided clumsiness and weakness in her right arm.

The E.R. physician had a CT scan done at 5:15 p.m. which was reported to him as negative at 5:42 p.m.

The E.R. nurse continued to watch her patient closely. At 6:26 p.m. her face was drooping and four minutes later she fell into a deep sleep. The nurse started O₂ and within a few minutes was on the phone with the on-call neurologist, who was not able to come to the hospital at that moment.

The nurse got the neurologist to come in two hours later. He diagnosed a dissected carotid artery which caused a blood clot and a stroke.

DISTRICT COURT
LARIMER COUNTY, COLORADO
February 11, 2011

The jury in the District Court, Larimer County, Colorado found no negligence by the physicians or nurses who cared for the patient, despite the negative outcome.

The care provided to the patient met the standard of care. With hindsight it could be alleged that a scan which included the neck as well as the head might have pinned down the problem earlier, but the physicians were not to blame. ***Wheeler v. Banner Health***, 2011 WL 2580871 (Dist. Ct. Larimer Co., Colorado, February 11, 2011).

Hospital Bed: Footboard Comes Loose, Visitor Falls, No Liability.

A ninety year old family member was visiting his wife in her hospital room.

While he was sitting in a chair at the foot of the hospital bed he decided to stand up and go pick up a pillow that had fallen on the floor.

He grabbed the footboard of the hospital bed to steady himself as he tried to stand. The footboard came loose from the bed and he fell to the floor.

The man fractured his hip in the fall, a painful and disabling injury which required considerable time in a nursing facility for his rehabilitation.

The mere fact that the footboard became detached from the hospital bed does not establish negligence on the part of the hospital.

COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
January 14, 2011

In his lawsuit against the hospital the jury in the Court of Common Pleas, Cuyahoga County, Ohio found no negligence by the hospital and awarded no damages for the man's injuries

The lawsuit claimed that hospital employees who changed the linens on the bed daily or more frequently detached the footboard or knew it was detached and failed to reattach it and/or failed to warn the family member that the footboard was not attached to the bed.

In general terms the law imposes a duty on the owner of a commercial establishment to warn patrons of a dangerous condition on the premises that the patron is not aware of or would not normally become aware of.

The hospital claimed in its defense that there was nothing negligent in the way the bed was maintained and the fact that the footboard is supposed to come loose when manual pressure was applied to it does not add up to negligence. ***Karban v. Univ. Hosp.***, 2011 WL 2732462 (Ct. Comm. Pl. Cuyahoga Co., Ohio, January 14, 2011).

Fall: Was Patient Being Helped To The Commode?

The jury had to decide which version of the events to believe.

It was undisputed the patient somehow sustained a patellar dislocation at some point after knee replacement surgery that was followed by nine more surgeries and eventual removal of the patella leaving the patient permanently disabled.

The question was, how did it happen?

The patient and her family claimed there were two incidents, both of which pointed to negligence by the hospital staff. According to them she was being helped onto the commode by a single staff member when the high seat, not clamped down to the commode, gave way and she fell, and another time she was dropped during a transfer.

The hospital could only say that the nurses on duty had no recollection of either incident, did not chart them and did not fill out incident reports. An orthopedic expert testified that dislocation of the patella is a possible and sometimes unavoidable complication during necessary post-operative ambulation of the patient.

It would be negligence to fail to secure the high seat to the commode for use by a morbidly obese patient who is recovering from knee replacement surgery.

SUPREME COURT OF LOUISIANA
July 1, 2011

The Supreme Court of Louisiana believed the jury was led by inconsistencies in their testimony not to believe the patient or the family. The jury is the final authority on the credibility of the witnesses.

The standard of care does require special precautions such as two person assist in transfers for a morbidly obese patient following total knee replacement and attention to the fact that the high seat must be properly secured to the commode, but that was not how it happened. ***McGothlin v. Christus St. Patrick Hosp.***, ___ So. 3d ___, 2011 WL 2586853 (La., July 1, 2011).