

# Emergency Room Nurses Faulted In Patient's Death.

**T**he family was alerted by telephone by a friend that their mother was taken to the hospital by fire department paramedics when she developed shortness of breath and complained of chest pains while playing bingo at a church social hall.

The son, his wife and children raced to the hospital, but were told by the nursing staff in the emergency department that their mother was not there. The son went over to the social hall, and was reassured that his mother had, in fact, been taken to the hospital.

He went back to the hospital, searched the individual cubicles in the emergency room himself, found his mother, and noted she was seated alone, by herself, fully clothed, without oxygen and without a heart monitor attached. He asked someone to come and help her. He went back into the room. His mother complained of indigestion-type chest pains. He tried to help her to the bathroom, but she collapsed unconscious. He ran out screaming for help.

A code was called. Even with the efforts of several nurses, the emergency room physician and a cardiologist, she could not be revived. She was pronounced dead one hour and fifteen minutes after the paramedics' record noted she had arrived at the hospital emergency room.

The family sued the hospital for medical malpractice and wrongful death. The jury entered a verdict of no liability in favor of the defendant hospital, which the lower court judge threw out in favor of a substantial judgment for damages in favor of the family. The Louisiana Court of Appeal upheld the lower court judge in awarding damages to the family notwithstanding the jury's decision that the hospital should not be liable. The court did reduce the damages by 10%, as it felt there was just a 90% likelihood the patient would have come out of the hospital alive even without any negligence by the nursing staff. **Gordon vs. Willis Knighton Medical Center**, 661 So. 2d 991 (La. App., 1995).

***A seventy-six year old woman was brought to the hospital's emergency room by paramedics for chest pains and shortness of breath.***

***The patient should have been placed and kept on a cardiac monitor.***

***A cardiac monitor must be watched by a competent person, either by staying with the patient continuously or by continuously monitoring the patient's status by remote telemetry at a central location.***

***Alarms on a monitor can be set to sound for changes in the patient's cardiac status, but the court did not approve use of alarms as a substitute for continuous close monitoring of a cardiac patient. The nurses did not even look in on the patient.***

***A discrepancy between the paramedics' record of the time of arrival and the time originally noted in the hospital records was apparently eliminated by alteration of the records by the hospital emergency room nurses.***

***The nursing staff placed the patient in a room by herself. They did not continue the use of oxygen which had been started by the paramedics.***

COURT OF APPEAL OF LOUISIANA, 1995.

# Physician Fails To Heed Nurses' Request For Examination: No EMTALA Violation.

**E**mergency room records revealed that the patient was seen by a physician or nurse on thirteen occasions between her arrival at the emergency room at 10:30 am and her inpatient admission for acute recurrent pancreatitis at 4:30 pm the same day.

During the early morning hours the next day, the medical/surgical nurses caring for her requested that her physician come to the hospital to examine her. It was not specified in the court record the reason the nursing staff made that request. The court noted, however, that the patient's records did not reflect that any medical examination of the patient occurred during the early morning hours that day, and the court accepted this as proof that no medical examination was performed as requested by the nursing staff.

The patient died at 6:00 am the morning after her in-patient admission. The family sued the hospital under the Emergency Medical Treatment and Active Labor Act, because the physician failed to examine her on the med/surg floor. The U.S. District Court in Virginia dismissed the alleged EMTALA violations as unfounded.

The hospital nursing and medical staff had adhered to hospital guidelines by closely checking and documenting the patient's condition while she was in the emergency department, and then by admitting her as an inpatient, as her condition could not be stabilized in the emergency department and warranted inpatient care.

The physician who apparently failed to respond to the nursing staff's request for a medical examination may have acted improperly. However, the issue for the court was whether the EMTALA had been violated. Since the patient was no longer in the emergency room when she died, the court ruled that the EMTALA did not apply. **Hussain vs. Kaiser Foundation Health Plan**, 914 F. Supp. 1331 (E. D. Va., 1996).