

## Patient Falls Standing On Chair Trying To Repair Window Blinds: Court Blames Hospital.

According to the Court of Appeal of Louisiana, it is a matter of basic care and comfort that a hospital patient is entitled to get some relief for complaints about the condition of the room.

A patient in discomfort is entitled not to have bright sunlight shining through the window into her eyes, and is entitled to have hospital staff fix the problem.

***It is foreseeable that a hospital patient experiencing discomfort from bright light shining into her eyes, who has obtained no relief through repeated requests for aid, might decide to take matters into her own hands and attempt to close the broken window blinds.***

***Because the top of the blinds is above the reach of the average person, it is foreseeable that the patient would stand on a chair.***

***A recliner chair, even with lockable wheels is far from an ideal platform from which to attempt to adjust the window blinds.***

COURT OF APPEAL OF LOUISIANA, 2000.

The court said it is not ideal for a patient to stand on a chair and try to fix the problem herself, but in this case the patient fell and was injured and was ruled to have grounds to sue the hospital for negligence. Lichti v. Schumpert Medical Center, 750 So. 2d 419 (La. App., 2000).

## Patient's Fall: Court Finds It Improper To Blame Patient.

The patient went to his doctor complaining of loss of equilibrium, unsteady gait, vomiting and weight loss. He admitted drinking six cans of beer every day up to the day before. He had had lung cancer surgery six months earlier.

His physician admitted him to the hospital with diagnoses of alcoholic cerebellar degeneration, cirrhosis of the liver and metastasized brain cancer.

The physician wrote an order for Valium prn if the patient showed signs of acute alcohol withdrawal such as hallucinations, delirium tremens or disorientation. The nurses gave the Valium starting the second hospital day until the physician stopped it on the fourth.

The nurses gave the Valium even though the patient never showed signs of acute alcohol withdrawal. According to the record in the Appellate Court of Illinois, the patient always appeared alert, oriented and coherent. The court said that made it inappropriate and negligent for the nurses to give the prn Valium.

On the fourth day the patient fell trying to return to bed from his bathroom. He got out of bed and got to the bathroom without a problem, but then he apparently leaned on the inside of the door. It opened and did not support him. He fell and broke his hip. That required surgery. He spent his last few months in pain hobbling with a walker and a cane.

Post-mortem examination confirmed he died from brain tumors. He did not have cirrhosis or alcohol-related brain damage. That was a medical misdiagnosis. However, according to the court, it still was negligent for the nurses to give prn Valium without the patient showing signs of the medical condition for which the medication was ordered.

The court believed the Valium produced sedation which caused a patient who was fully alert and oriented when assessed to become disoriented and unsteady. That gave the widow grounds to sue the hospital for the deceased's fractured hip. Brady v. McNamara, 724 N.E. 2d 949 (Ill. App., 1999).

***Ordinarily the nurse and doctor are not legally responsible when a patient who is alert and oriented falls getting out of bed or falls while ambulating or using the bathroom.***

***Healthcare professionals are not liable to their patients for new injuries or aggravation of existing injuries caused by a patient's own conduct, whether or not the patient was negligent.***

***However, that is not true when the patient is impaired by confusion or is unsteady on his feet.***

***Confusion could be caused by medication the nurses have given.***

***An impairment could also result from a brain injury or a chronic condition like dementia.***

***The source of the patient's impairment is not important. A nurse's legal duty is to assess the patient and to give care accordingly.***

***The hospital was vindicated in the trial of this patient's widow's lawsuit, but only because the judge erroneously instructed the jury to take the patient's negligence into consideration.***

***The patient's widow gets a new trial.***

APPELLATE COURT OF ILLINOIS, 1999.