

Combative Patient: Jury Rules Hospital Staff Not Liable.

The seventy-nine year-old patient was admitted to the hospital's intensive care unit for diabetic ketoacidosis.

The next evening she removed her monitor hook-ups, got out of bed and insisted that she would be leaving. Three nurses put her back to bed.

A few hours later her behavior became outright combative. Multiple staff members had to intervene. During the struggle the patient's arm got caught between the mattress and the side rail.

One of the nurses lowered the bed rail to release her arm, but her arm and both legs were broken. After surgery the patient died a week later from her injuries.

The family filed suit against the hospital in the Supreme Court, New York County, New York.

No Haldol Given

After First Episode of Confusion

The jury apparently discounted the family's lawyer's argument that Haldol should have been given when the patient first exhibited signs of confusion.

Instead, the jury accepted the hospital's assertion that the first episode of mere confusion did not justify a chemical restraint. Nor would that episode necessarily lead staff to anticipate a full-blown combative episode would follow in which the elderly patient, suffering from advanced osteoporosis, would be badly injured. **Es-tate of Klein v. North Shore Univ. Hosp., 2007 WL 1247192 (Sup. Ct. New York Co., New York, March 29, 2007).**