

## Correctional Nursing: Nurses Did Not Follow Protocols.

In response to a Federal investigation of conditions in the jail the county adopted a number of standing protocols to guide the nursing staff in assessing and treating inmates' medical complaints. One of the protocols dealt specifically with diabetic inmate patients.

An inmate who did not know he was diabetic and had not reported it during his intake exam came to the dispensary with vomiting and abdominal pain. He was given Phenergan and sent back to his cell. He was reportedly given a bucket to take to his cell because he continued vomiting and had to urinate twenty times a day.

Finally a physician was called in who would later testify that he displayed symptoms of dehydration the nurses should have recognized. That afternoon his blood sugar was so high it could not be measured and he was taken to the hospital where he had to have a leg amputated.

The Court of Appeals of Kentucky saw grounds for a lawsuit against the jail nurses for failing to follow the jail's set protocols. Osborne v. Aull, 2012 WL 3538276 (Ky. App., August 17, 2012).

## Medical Battery: Jury Turns Down Patient's Lawsuit.

At twenty-seven weeks a pregnant woman was told on the phone by her ob/gyn to go to the hospital after she fell down stairs at home.

A hospital labor and delivery nurse notified the obstetric resident that the fetal heart rate was too low. The resident consulted another obstetric resident and the mother's ob/gyn who agreed that an emergency cesarean was indicated.

The mother, herself a pediatric cardiology anesthesiologist, sued for medical battery after the obstetric resident successfully delivered the baby by cesarean, based on her belief that it was only a benign arrhythmia in the fetal heart rate which did not call for a cesarean.

The Supreme Court of Pennsylvania agreed with the mother that even if it was a true obstetric emergency she still had the right to refuse to consent to a cesarean and if she refused the physicians and other personnel would be liable for medical battery for going ahead. However, the jury believed the resident's testimony that the mother did actually consent verbally. Cooper v. Lankenau Hosp., \_\_\_ A. 3d \_\_\_, 2012 WL 3568786 (Pa., August 20, 2012).

## Fall: Court Sees No Negligence In Patient's Care, Dismisses Lawsuit Against Nursing Home.

The resident, an elderly woman in her eighties, passed away in the hospital after she fell in the nursing home where she resided.

The medical review panel convened to review the evidence behind the family's lawsuit issued an opinion that the nursing home was not negligent.

The Court of Appeals of Indiana agreed that the evidence supported the panel's conclusions and dismissed the lawsuit.

The resident had urinary frequency and had to be toileted quite often and was also incontinent at times.

It was documented that she would regularly turn on her call light to obtain assistance in getting to the restroom and at times would try to make it to the restroom on her own rather than wait for assistance to arrive.

***Merely because an elderly person falls and injures herself in a nursing home, even when it has happened before, does not establish that it was the nursing home's responsibility to protect her from such a fall.***

***There was no proof of inadequate staffing or failure to respond timely to the alarms or that other measures that were realistic to expect would have prevented her from falling.***

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A bed alarm was provided, but then she started setting off her bed alarm to obtain assistance. She began having to get up to urinate every twenty to thirty minutes during the night and sometimes staff who responded to the bed alarm would find her on the floor.

One night when a staff person responded to her alarm they found her on the floor with a two-centimeter laceration on her forehead. She was taken to an emergency room within minutes where the physicians discovered a fractured wrist and spinal fractures. Although she was considered medically stable she passed away the next day.

According to the Court, the medical evidence did not show that any negligence by the nursing home caused her death. Curts v. Miller's Health, \_\_\_ N.E. 2d \_\_\_, 2012 WL 3332408 (Ind. App., August 15, 2012).