

Correctional Nursing: Court Rules Nurse Was Deliberately Indifferent To Inmate's Serious Medical Needs.

Nurses who work in correctional settings have become frequent targets of inmates' civil rights lawsuits.

Jail and prison inmates, like everyone else, are permitted to sue for malpractice committed by healthcare professionals.

Far more numerous than malpractice lawsuits, however, are inmates' lawsuits alleging violation of the Eighth Amendment Constitutional right to be free from cruel and unusual punishment in the form of serious indifference by correctional healthcare professionals to an inmate's serious medical needs. The vast majority of these cases are thrown out by the courts as frivolous or at best unfounded.

Medication Error

No Follow Up Treatment

In contrast, the US Court of Appeals for the Eighth Circuit recently found serious indifference to an inmate's serious health needs arising from a medication-error incident.

The nurse insisted the patient/inmate take pills that the inmate insisted were not his. In fact the pills were anti-psychotics meant for another patient/inmate.

The court said that a straightforward medication error is not deliberate indifference and not a violation of any Constitutional rights.

However, after the nurse realized her mistake she just left the inmate in his cell for three hours and did nothing. That significant delay allowed the medication to take effect, causing the patient to collapse unconscious in his cell, hit the back of his head and injure himself.

Instead, the court believed the nurse's legal duty was to summon medical help immediately so that the patient could be taken to the infirmary and treated as a drug-overdose case, that is, his stomach could and should have been pumped before the medication fully could take effect. **Spann v. Roper, __ F. 3d __, 2006 WL 1912983 (8th Cir., July 13, 2006).**