

# Dehydration, Malnutrition: Court Faults Patient's Nursing Care.

When the patient was admitted to the nursing facility his diagnoses included stage 4 chronic kidney disease, difficulty swallowing, hypertension, dementia, congestive heart failure, high cholesterol, diabetes and COPD and he had a gastrostomy feeding tube.

The dietitian determined his caloric intake needed to be increased. He weighed 165 lbs on admission but, despite the dietitian's plan to boost his intake, he was not weighed again until six weeks after admission. His weight had dropped to 149 lbs.

The dietitian reviewed his lab results. Increased creatinine and BUN suggested his hydration was not good. The dietitian recommended increased hydration along with increased nutrition.

Nevertheless the nursing documentation of fluid and nutrition intake was incomplete and he may not have been fed at all over one particular three-day span.

The patient was also being given Lasix for heart failure, a diuretic which can worsen dehydration. That is, even though the physician stopped the Lasix two days after admission the nurses kept giving it.

The patient's lab values two months into his stay showed his dehydration had worsened despite the dietitian's plan to increase fluids and nutrition.

The nurses were not recording intake and output as they had been ordered and no care plan was formulated to address his kidney disease in light of the effect that dehydration can have on the kidneys even of a previously healthy individual.

A little more than two months into his stay the patient was found unresponsive in his room. He was transported to the hospital and put on a ventilator. He expired the next day after the ventilator was discontinued.

The Court of Appeals of Texas accepted the opinions of the family's nursing and medical experts that negligent nursing care caused the patient's death.

The medical cause of death was cardiac failure secondary to renal failure. Renal failure was the result of dehydration and malnutrition due to neglect of the patient by his nursing caregivers. [Nexion v. Sosa, 2016 WL 1457069 \(Tex. App., April 12, 2016\)](#).

**According to the family's nursing and medical expert witnesses, the facility breached the standard of care by failing to manage hydration and nutrition through the patient's feeding tube and address his kidney disease, which resulted in dehydration which led to kidney failure.**

**The patient was not being weighed, which was necessary to see if his nutritional needs were being met.**

**Documentation of his feedings was inaccurate and incomplete, making it impossible to determine how much and when he was being fed.**

**The facility's nurses incorrectly continued the diuretic Lasix which had been discontinued by the physician two days after the patient was admitted.**

**A diuretic can worsen dehydration and electrolyte imbalance in a patient with kidney disease.**

**The patient's lab results were ignored. Creatinine and BUN values were elevated and continued to rise along with electrolytes and osmolality.**

**The lab values pointed to dehydration and required a care plan to address the patient's kidney disease and potential for renal failure.**

COURT OF APPEALS OF TEXAS  
April 12, 2016

## Nurse As Juror: Court Says Nurse Acted Properly.

When she was questioned as a potential juror for the trial of a medical malpractice case, a nurse revealed that she had worked as a nurse for the hospital that was the defendant in the case but now worked at another local hospital.

The nurse was selected to sit on the jury, but when one of the plaintiff patient's medical records was shown to the jury during the trial the nurse saw her own signature and realized she had actually been involved as a nurse in the patient's care.

The nurse asked the judge's law clerk if she could speak with the judge. She told the judge about her own personal involvement in the case. She also reported that her current employer was balking at paying her salary for jury duty for the multi-week medical malpractice trial.

**When she realized she had been involved as a nurse caring for the patient who was suing her former employer, the nurse went to speak with the judge.**

**The judge, however, failed to reveal that private conversation to the attorneys for the parties to the case.**

COURT OF APPEAL OF LOUISIANA  
April 6, 2016

The jury ruled a physician who was not a party to the case was solely at fault. That exonerated the hospital completely. The patient's lawyers then questioned the people who had been the jurors looking for any possible juror misconduct to nullify the jury's verdict. The nurse's private conversation with the judge came to light.

The Court of Appeal of Louisiana found no fault with the nurse but did find fault with the judge for failing to report the nurse's revelations to the parties' lawyers.

The case was sent back to the trial court level to determine what, if any, prejudicial effect was rendered on the jury's verdict and, if so, what to do about it. [Landry v. Pediatric, So. 3d \\_\\_, 2016 WL 1357816 \(La. App., April 6, 2016\).](#)