

Elderly Patient's Fall: Court Finds No Proof That Nursing Negligence Was A Factor.

The ninety-two year-old patient had had a Foley catheter inserted at the start of left knee replacement surgery.

Some time after she arrived on a medical/surgical floor following her surgery the nurses removed the Foley and left her in her hospital room with her daughter.

The patient soon felt an immediate urge to void urine which she could not control and she began to void.

While she was voiding or shortly after voiding the patient attempted to arise from her bed without using her call button to summon assistance and without asking her daughter for help. She fell in a puddle of urine on the floor.

The patient sustained five posterior rib fractures when she hit the floor.

Court Dismisses Patient's Lawsuit

For her lawsuit against the hospital the patient's attorneys brought in a nursing expert who identified several alleged breaches of the legal standard of care by the patient's nurses.

The Court of Appeals of Michigan ruled that these alleged breaches of the standard of care were not proven conclusively or, even if they did occur, there was no cause-and-effect relationship with the patient's fall. The Court of Appeals upheld the lower court's dismissal of the case.

Although the patient's fall risk may have been incorrectly scored too low, the nurses nevertheless took all the required fall-risk precautions.

The nurses instructed the patient in the use of her call button, and she apparently understood those instructions.

Nevertheless the patient admitted she stood up on her own without using her call button or asking her family member or anyone else for assistance.

The patient fell shortly after the nurses left the room, so how often the nurses did check on her or should have been checking on her and asking if she needed to use the restroom was not a factor in this incident.

There is no evidence any negligence by the nurses caused the patient to fall.

COURT OF APPEALS OF MICHIGAN
September 22, 2015

Fall-Risk Precautions

The patient's nursing expert had to admit that the patient's nurses implemented all necessary fall-risk precautions:

The room was posted for fall risk;

The bed was in the lowest possible position;

The call button was within reach;

The patient was instructed in the use of the call button;

The patient was wearing non-skid footies; and

There was no clutter in the room.

The Court conceded a question remained about the scoring of the patient's fall risk, but with all the correct fall-risk precautions nevertheless in place it was inconclusive how risk scoring was a factor.

Failure to Monitor Patient

The Court found irrelevant the nursing expert's opinion that the nurses should have checked on the patient every fifteen minutes after removal of the Foley and asked her each time if she needed to use the restroom to urinate.

The patient began to void right after the nurses left the room. How often the care plan did or should have called for patient checks had no bearing on this particular patient's fall.

The Court also discounted the nursing expert's opinion that the nurses failed to respond quickly after the patient pressed her call button. Such delay usually is deemed nursing negligence, but this patient testified she never used her call button. **Tabron v. Legacy, 2015 WL 5568369 (Mich. App., September 22, 2015).**

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