

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Emergency Room Discharge: Court Sees Grounds For Patient's Suit Against Hospital.

The seventy-four year-old patient arrived by herself at the hospital's emergency department complaining of chest pain.

She informed her caregivers she had a history of gastrointestinal reflux disease.

She also shared the fact she had taken Ambien and Klonopin the night before to help her sleep.

Treatment consisted of IV Benadryl and Pepcid for what were diagnosed as gastrointestinal symptoms. After six hours her condition had improved and she was ordered discharged.

When she was told it was all right for her to leave, the patient asked her nurse to phone her son to come and pick her up because she was not feeling well. The nurse phoned the son as the nurse was asked.

### **Patient Sent Down Corridor To E.R. Ambulance Entrance**

The patient was then pointed down a hospital corridor leading outside from the emergency department.

The corridor was the one used by ambulance crews to bring in patients on stretchers. At the end of the corridor was a double set of doors which opened toward the inside.

When the patient pushed the button the doors opened inward toward her. She was knocked down and injured.



***Given the known potential side effects of Benadryl to cause dizziness and drowsiness and its potentiated effect on the elderly, the patient should have been personally assisted by hospital staff upon discharge or her condition should have been re-evaluated immediately prior to discharge from the hospital's emergency department.***

NEW YORK SUPREME COURT  
APPELLATE DIVISION  
August 8, 2012

### **Hospital Staff Should Have Assisted the Patient**

The New York Supreme Court, Appellate Division, ruled there were legal grounds for the patient's lawsuit against the hospital.

The hospital's expert's opinion was that the general procedures in effect in the emergency department complied with the applicable standard of care and the hospital's doors were in no way mechanically defective.

The Court, however, was swayed in the patient's favor by the patient's expert's opinion that the patient should have been assisted in person by the hospital staff until she was safely out of the hospital and had met up with her family member.

The hospital nurses should have taken into account the known side effects of the medications the patient was administered in the emergency department as well as those she had taken at home which were noted in her chart at the time of her initial assessment.

These medications are known to cause dizziness and drowsiness and can have potentiated side effects with an elderly individual, according to the patient's expert witness. **Heit v. Long Island Jewish Med. Ctr., \_\_\_ N.Y.S.2d \_\_\_, 2012 WL 3204526 (N.Y. App., August 8, 2012).**

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