

Emergency Room: Nurse Terminated For Failing To Take Report.

When a nurse arrived for her day shift in the E.R. she was alerted by the charge nurse that there was an acute MI in progress involving a patient in her assigned area of responsibility.

The nurse went to the treatment room, saw that there were four night-shift nurses and two physicians in the room and simply walked away without entering the room to take report and become involved in the patient's care.

The nurse was terminated the next day and then sued the hospital for wrongful termination.

A hospital can terminate a nursing employee for failing to follow conduct and quality of work protocols designed to ensure the safety and proper care of its patients.

APPELLATE COURT OF CONNECTICUT
March 6, 2012

The Appellate Court of Connecticut ruled the hospital had just grounds to fire the nurse.

The nurse was not covered by a union collective bargaining agreement that defined grounds for termination.

She previously had been disciplined and suspended for two days for an episode of insubordination. She was expressly warned at that time that one more patient-care infraction would result in her termination.

More importantly, the Court said, a nurse failing to take report when coming on duty adversely impacts patient safety.

The Court discounted the argument raised by the nurse in her defense that she was fired in retaliation for her advocacy in favor of proper critical care for patients in the emergency room. That could be a valid argument except there was no factual basis for it in this case, the Court said. Armshaw v. Greenwich Hosp., ___ A. 3d ___, 2012 WL 653752 (Conn. App., March 6, 2012).

Emergency Room: Nurse Faulted For Child's Death.

The parents took their seven-month-old to the E.R. because of a fever, rapid breathing and rapid pulse.

The child was discharged three hours later, stopped breathing at home and was brought back to the hospital where she soon died.

It was below the standard of care for the nurse to obtain the child's temperature of 103.6° at the time of discharge and fail to communicate that important fact to the E.R. pediatrician.

COURT OF APPEALS OF GEORGIA
March 13, 2012

The Court of Appeals of Georgia upheld the jury's verdict which found no liability on the part of the emergency room pediatrician who examined and then discharged the child, even though the parents' expert in emergency pediatric medicine testified that the pediatrician was negligent for discharging the child home in unstable condition.

Expert Also Sees Nursing Negligence Behind Child's Death

The parents' emergency-pediatrics expert also testified it was below the nursing standard of care for the E.R. nurse not to have informed the E.R. pediatrician that the child's temperature was still markedly elevated and that her respirations were still abnormally rapid, data that would be very relevant to the pediatrician's decision whether or not to send the child home.

The jury apparently decided it was only the nurse's and not the pediatrician's fault that the child died. The hospital and the nurse were not sued by the parents as defendants in the lawsuit.

The child's temperature (103.6°) was entered by the E.R. nurse into the child's records on the hospital computer system shortly before the child was discharged but it was never expressly communicated to the pediatrician in the E.R. Perry v. Gilotra-Mallik, ___ S.E. 2d ___, 2012 WL 798933 (Ga. App., March 13, 2012).

Vaginal Exam: No Malpractice Or Invasion Of Privacy By School Nurse.

The seven year-old student raised her hand in class, said her private part was hurting, looked very uncomfortable and had her hands cupped in her groin area. The teacher sent her to the school nurse.

The school nurse was a licensed adult family practice nurse practitioner employed by a Federal program which provides healthcare to students in a Brooklyn, New York public school.

The nurse practitioner got a urine sample for a dipstick test which pointed to a urinary tract infection.

The nurse had a medical assistant try all of the mother's phone numbers on file but got no answer. A signed consent form was on file so the nurse practitioner went ahead with a gloved-hand external vaginal visual exam without the mother present.

The child's mother could not be reached by phone, but she had signed a generic medical consent form.

The nurse practitioner's external exam was indicated by the signs and symptoms and was done properly in a curtained exam cubicle with the child's acquiescence.

UNITED STATES DISTRICT COURT
NEW YORK
February 16, 2012

The US District Court for the Eastern District of New York dismissed the mother's lawsuit which alleged malpractice and invasion of privacy.

The Court ruled that a gloved-hand visual inspection of the exterior of the genitalia was indicated by the child's symptoms and by the urine dipstick and was conducted properly in all respects from a medical standpoint. "K.R." v. US, ___ F. Supp. 2d ___, 2012 WL 512947 (E.D.N.Y., February 16, 2012).