

## Patient's Fall: Court Endorses Nursing Expert's Opinion Re Substandard Hospital Nursing Care.

The patient was found alone on the floor in her hospital room with a femur fracture. She had been admitted two days earlier for pneumonia. She died twenty days after she fell.

On admission it was noted she had recently fallen and had difficulty ambulating without assistance. She was nevertheless allowed to ambulate ad lib with bathroom privileges.

On the night in question her nurse checked on her and found her alert and awake. The bed rails were up.

However, the patient's family's nursing expert was still able to find fault with the hospital's nursing care.

The patient's physician had written a progress note in the chart that the patient had complained the nurses were not answering her call light.

---

***A registered nurse is an acceptable source of expert testimony in a civil case where the claim of malpractice relates to the nursing care provided to the patient in the hospital.***

***A nurse can testify as to appropriate measures to assess a patient's fall risk and prevent a patient from falling and that failure to take appropriate measures was what caused the fall.***

COURT OF APPEALS OF TENNESSEE  
September 21, 2007

---

Nurses ignoring or taking their time responding to the call light would tend to make the patient try to get up without assistance to go to the bathroom, the nursing expert said.

Further, the hospital's own policies required daily nursing assessment of every patient's fall risk. There was no nursing documentation that that was done on the day in question.

A current fall risk assessment, the family's nursing expert went on to say, would have pointed to the need for a bed alarm.

Bed alarms are now routinely being called for with 20/20 hindsight by plaintiffs' nursing expert witnesses in civil lawsuits filed after patients have fallen. ***Vaughn v. Harton Reg. Med. Ctr., 2007 WL 2751800 (Tenn. App., September 21, 2007).***