

Emergency Room: Family Member Faints At The Sight Of Blood And Falls - Hospital Not Liable.

A ten-year-old child was taken to a hospital emergency room to have a cut on his chin cleaned and sutured he had sustained when he fell from his bicycle. He did not speak English, so his aunt came with him into the suturing room. In addition to helping the staff communicate with her nephew, the aunt was asked to hold his hands, for emotional support, and to restrain him from moving suddenly or trying to interfere.

The aunt fainted at the sight of blood, struck her head on the floor, sustained a concussion and had to be hospitalized for five days. She then sued the hospital, the physician and the physician's professional corporation for negligence.

The Court of Appeals of Washington upheld a lower court which threw out the aunt's lawsuit as legally unfounded.

It would be an unreasonable burden on hospitals to expect them to keep every non-patient from fainting in the emergency room.

Given the comfort and support provided by friends and family members of sick and injured patients, it is not desirable to ban them from the emergency room to keep them from any sight, smell or sound with the potential to cause them to faint.

COURT OF APPEALS OF WASHINGTON,
1996.

The court had several lines of reasoning behind its ruling. It should be obvious to anyone who enters an emergency room that they will see sick and injured persons there. A hospital has no responsibility to warn anyone of this fact.

The court ruled that it would be an unreasonable burden on hospitals to attempt somehow to prevent non-patient visitors in the emergency department from seeing, smelling and hearing things which could upset them.

Most importantly, family and friends provide an important source of comfort and support to emergency room patients. Their presence should not be discouraged by fears of liability for lawsuits like this one. Zenkina vs. Sisters of Providence, 922 P. 2d 171 (Wash. App., 1996).