

Falls: Care Plan Not Updated, Jury Finds Negligence.

The fifty-one year old patient was placed in a nursing facility following a below-the-knee amputation necessitated by his diabetes.

His medical diagnoses included kidney failure and liver disease. He also had issues with balance and a short-term memory deficit which translated into problems remembering what he was told by the nurses by way of patient-safety teaching.

He spent his time mostly in his wheelchair. Sometimes he was able to ambulate with a prosthesis and a cane.

The patient fell five times before the last fall in which he broke his hip.

Each fall created an opportunity and an obligation to reevaluate his condition and reassess his needs.

SUPREME COURT
NEW YORK COUNTY, NEW YORK
June 29, 2010

The patient passed away nine months after open reduction and internal fixation surgery to repair his four-part intertrochanteric hip fracture from the last fall.

The family's nursing expert testified that each of his prior falls required more than a progress note in the chart documenting the bare fact that he had fallen.

His balance problems and short-term memory deficits should have been reevaluated and attention given to new safety equipment like wheelchair tipping guards, bed brakes and sitting pads.

Merely reminding him to ring his call bell for assistance when he needed to transfer or to ambulate was not an effective safety measure, given his ongoing memory problems, the family's nursing expert went on to say.

The jury in the Supreme Court, New York County, New York awarded the family \$275,000 for the patient's pain and suffering. ***O'Dea v. Cardinal Cook Care Ctr., 2010 WL 3232844 (Sup. Ct. New York Co., New York, June 29, 2010).***