

## Subscriptions

# LEGAL EAGLE EYE NEWSLETTER

July 2004

*For the Nursing Profession*

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## Assessment Started, But No Fall-Care Plan In Place: Court Finds Nursing Staff Negligent.

The patient was admitted to the hospital after she fell at home trying to go to the bathroom. She broke her left arm.

Three days after entering the hospital she fell while trying to close her room door so she could use the bathroom. She broke her right arm.

### **Assessment Started, Not Finished No Fall-Care Plan**

On admission to the hospital the nurses began imputing data into a fall-risk-assessment computer program.

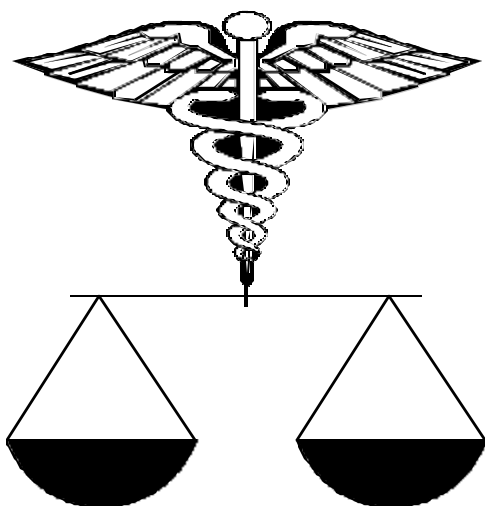
The court found that the fall-risk assessment was not completed and a fall-care plan was not in place until three days later.

The care plan was not in effect until after the patient had already fallen.

On four separate admissions to this same hospital the patient had been assessed at high risk for falling and fall-risk care plans had been implemented right away upon admission.

The patient had fallen at home. Due to multiple medical problems the patient was very weak and short of breath.

For this admission the patient's physician ordered strict bed rest, meaning the patient was not to be out of bed for any reason, even to use the bathroom.



***The fall-risk assessment was started but not completed and a fall-risk care plan was not implemented until three days after admission.***

***The patient had already fallen and broken her good arm before the fall-care plan was in place.***

***No full assessment and fall-care plan on admission for this patient was negligence.***

COURT OF APPEAL OF LOUISIANA  
May 26, 2004

The court ruled it was negligent for the nursing staff not to have completed the patient's obviously high-risk fall assessment upon admission and not to have placed a care plan in her chart and posted appropriate warnings by her bed to alert staff caregivers.

The court did not specify in detail what data should have gone into the patient's assessment or what elements her fall-care plan should have contained. The incomplete assessment and lack of a fall-care plan in and of themselves were grounds for negligence.

### **Nursing Care Faulted**

With or without a full assessment and a specific care plan in her chart the court believed any competent nurse would know she was at risk to fall and would have observed certain fundamental precautions in caring for her.

Apparently the patient rang her call bell and got no response, which led to her getting up on her own.

Only the upper but not the lower bed rails were up, four bed rails being considered too restrictive by the nursing staff caring for her.

The court seemed to suggest she would have been a candidate for soft restraints. ***Cook v. Jefferson Parish Hosp. Service Dist., \_\_ So. 2d \_\_, 2004 WL 1171715 (La. App., May 26, 2004).***

**Inside this month's  
issue ...**

**July 2004**

**New Subscriptions Page 3**

**Assessment/Fall-Care Plan - Infection Control/New CDC Guideline  
Nurse As Expert Witness - Restraint-Free Facilities  
Medical Confidentiality - Quality Assurance/Confidentiality  
Emergency Room/Forced Catheterization/Civil Battery Lawsuit  
Labor & Delivery Nursing/EMTALA - Ventilator Patient  
Unionization/Wrongful Discharge - Abuse/Neglect/Punitive Damages  
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