

Fall: Jury Decides Patient's Nurses Were Not Negligent.

The eighty-one year-old patient had to be readmitted to the hospital for abdominal pain four weeks after sigmoid resection surgery.

At the time of this admission his nurse assessed him as only a moderate fall risk. He was alert and able to ambulate independently and had no history of having fallen before in the hospital or at home. However, he did have lower extremity weakness bilaterally, had some memory loss and wore eyeglasses.

The nurse issued him a fall bracelet. Her initial care plan included reassessment at the start of every shift of his orientation and level of independent mobility and reminders to change position slowly and to request assistance to get out of bed. The bed was to be kept in the low position, his call bell was to be kept within his reach and he was to be checked visually at least every two hours.

He got narcotics during the night for sharp abdominal pain, but by morning his physician wrote orders he was ready for physical therapy. PT got him out of bed twice that p.m. and ambulated him more than 300 feet with contact assistance. His fall risk was scaled back from 6/10 to 4/10.

Late that night he was assessed as alert and oriented with no memory deficit. He was up in his room and getting to the bathroom independently without assistance and had a steady gait. His fall risk was scaled back to 3/10. He was given Ambien for sleep and checked at two-hour intervals.

At 4:50 a.m. his roommate pushed his own call button because there was a noise in the bathroom. The patient was found on the floor, awake but unable to speak. A quick assessment showed that his right arm and leg were flaccid. The medical response team came and took him for a CT, but he was already posturing before they got it done. He died later that day from a subdural hematoma sustained in the fall.

The jury in the Court of Common Pleas, Allegheny County, Pennsylvania ruled his nursing care was completely within the standard of care and absolved his nurses from allegations of negligence. **Estate of Williams v. Sewickley Valley Hosp.**, 2009 WL 4275232 (Ct. Comm. Pl. Allegheny Co., Pennsylvania, October 8, 2009).

The hospital offered to pay the deceased's funeral expenses of \$7,115. That amount was the sum total of the jury's award at the conclusion of the trial.

The jury did not award damages against the hospital for nursing negligence leading to the patient's death.

The family's nursing expert testified the hospital's nursing staff failed to meet the standard of care by not providing the patient with a safe environment. The bed should have been placed against the wall with a floor mat next to the bed. A bed alarm should have been installed. Visual checks should have been more frequent than every two hours.

The hospital's nursing expert, on the other hand, testified that frequent nursing assessments demonstrated that the patient was consistently alert and oriented. He was not restless or agitated. He had never tried to get out of bed without needed assistance. A fall mat or bed alarm was not warranted.

A bad outcome, in and of itself, does not prove that the patient's caregivers violated the standard of care before the fact.

COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA
October 8, 2009