

Nutrition: Feeding Tube Refused By Family, Court Finds No Nursing Negligence.

The elderly patient was transferred from the hospital to a nursing home where his existing Stage I-II sacral decubitus ulcer progressed to Stage IV, his weight declined and he eventually died from sepsis.

The patient's son had sole legal authority to consent or refuse a feeding tube on his father's behalf.

He was advised otherwise but consistently refused.

UNITED STATES DISTRICT COURT
NEW YORK
March 23, 2010

The patient's son sued for negligence after his father died. The son's expert witness, a physician, pointed out the necessity of good nutrition in the care of skin lesions in elderly bedbound patients, which in this case meant a feeding tube for this patient.

The son, however, repeatedly refused to give his consent to a feeding tube and he was the only person with legal authority to give consent on the patient's behalf.

The US District Court for the Southern District of New York was satisfied the nursing facility fulfilled its legal obligations to this patient.

Starting at the time of admission, the nursing progress notes in the chart documented that the nurses and the dietician repeatedly advised the son that good nutrition was important to the patient's overall health and necessary if his skin lesion was going to heal.

An unhealed lesion could progress to a more invasive lesion involving the underlying tissues which could lead to fatal sepsis, the son was repeatedly informed.

In addition, the facility got the patient a pressure relieving mattress on admission and then switched to another model that was better, removing that as another potential legal issue. ***Kushner v. US, 2011 WL 1201936 (S.D. N.Y., March 23, 2011).***