

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Haldol Given, Patient Taken To Nursing Home: No Battery, False Imprisonment.

The elderly patient had been in the hospital four weeks recovering from gallbladder surgery. She spent most of that time in intensive care.

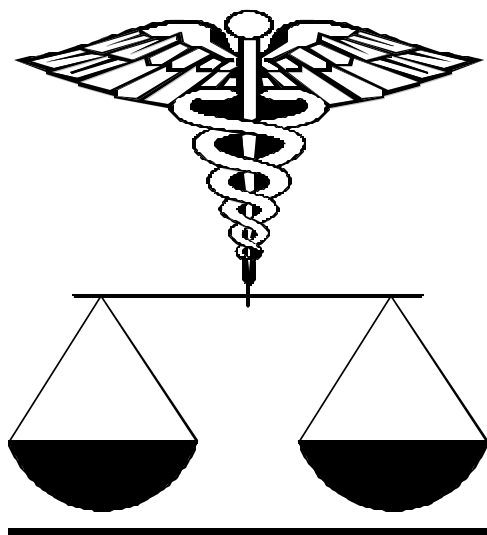
Before entering the hospital she was living with her niece and her niece's family. Her niece visited the patient often in the hospital and consulted with her physicians and nurses regarding her care.

The niece made arrangements for sitters to stay with the patient during her hospital stay.

The patient had episodes in the hospital where she became angry, agitated and combative and verbally and physically abused her caregivers. The patient struck out at a staff nurse who tried to stop her from removing her IV line and gastrostomic tube.

During at least five of these episodes the patient herself expressly consented to being injected with Haldol 2 mg to calm her agitation.

The discharge plan was for the patient to go home and be cared for by round-the-clock sitters and frequent visits from home health nurses. One day prior to discharge, however, the patient had another combative episode. With the niece's consent the plan for home discharge was scrapped in favor of a nursing home placement.



The patient was out of control. She had become aggressive, agitated and combative.

She ordered her sitters out of her hospital room. It was felt in her mental state the plan would not work to discharge her home with sitters round the clock and visits from home health nurses. She was injected with Haldol and taken to a nursing home.

COURT OF APPEALS OF MISSISSIPPI, 2001.

At the time planned for discharge the patient refused to be moved and insisted on seeing her doctor. The nurses contacted the doctor. He ordered Haldol 5 mg. Her nurse refused to give the medication, but another nurse on the unit agreed to give it. She and a third nurse rolled the patient on her side, with no resistance from the patient, and gave the injection.

The patient was then taken to a nursing home where the niece had toured the day before.

When the patient's daughter learned she was in a nursing home, the daughter took steps to become the legal guardian and removed her mother from the nursing home. The patient went back to live in her own home. She was cared for with round-the-clock sitters until she died from a heart attack a few months later.

After her death the administrator of the patient's probate estate filed a civil lawsuit for battery and false imprisonment.

To achieve closure in difficult civil cases the courts make an effort to justify the jury's verdict. The jury ruled in favor of the patient's caregivers. The Court of Appeals of Mississippi found no grounds not to let the verdict stand.

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