

Home Health: Nurse Trips, Falls On Client's Wheelchair Ramp.

A home health hospice nurse filed a lawsuit against her clients after she tripped and fell from the wheelchair ramp in front of their home. After she had entered the home was going back to her car for supplies when she fell.

The nurse fractured her right leg in the fall and had to have two surgeries.

The lawsuit focused on the lack of handrails on the wheelchair ramp. The nurse testified she did not know what caused her to fall.

The Court of Appeals of Ohio acknowledged a home health nurse would have the right to sue a client under these circumstances, if the nurse could prove the client was negligent and that the client's negligence caused her injuries.

The jury ruled the clients were negligent for having no handrails but the nurse did not convince the jury that was the reason why she fell. Lyon v. Stacho, 2003 Ohio 5823, 2003 WL 22456997 (Ohio App., October 30, 2003).

Hypertonic Saline Solution: Nursing Negligence In Wrongful Death.

The patient's father filed suit against the hospital, a hospital staff nurse and two private-duty nurses who were responsible for his thirty-three year-old daughter receiving a fatal 3% IV saline solution instead of a .3% solution.

The details given by the New York Supreme Court, Appellate Division, were sketchy. However, it appeared the staff nurse gave the hypertonic solution to one private-duty nurse who hung it and then was relieved by the second private-duty nurse who let it finish infusing.

The father settled with the hospital for an unspecified sum, but the court has ruled the father can continue his suit against the nurses, as can the hospital continue its suit for indemnification from the nurses for the settlement the hospital paid the family. Siegel v. Long Island Jewish Medical Center, __ N.Y.S.2d __, 2003 N.Y. Slip Op. 17790, 2003 WL 22439814 (N.Y. App., October 27, 2003).

Patient Confidentiality: Nurse Fired For Giving Records To Attorney For Understaffing Lawsuit.

Because a nurse had been complaining about staffing issues at the hospital some of the unit nurse managers did not want her on their units and she was put in the float pool.

A lawsuit was filed against the hospital alleging negligence due to understaffing. The nurse in question was not a part of the underlying incident. However, it became known to the plaintiff's lawyers that she was complaining about understaffing issues.

She agreed to supply the lawyers with material she copied from other patients' charts to support the lawyers' allegations of an understaffing problem at the hospital. The lawyers put the material into the court record without cutting out the actual patients' names.

The nurse was fired.

There is no evidence the nurse was fired for any reason other than giving patients' confidential medical documents to the attorney who was suing the hospital for alleged understaffing.

The whistleblower law protects employees for reporting violations of the letter of the law to proper authorities, not for publicizing what the employee believes are substandard practices.

SUPREME COURT OF KANSAS
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The Supreme Court of Kansas ruled there were grounds to fire her for violation of the state Nurse Practice Act which requires nurses to maintain patients' medical confidentiality.

The state whistleblower law did not help the nurse. The law only applies to violations of the law reported to proper legal authorities. It does not protect an employee with a generalized subjective belief that the employer's policies and practices are substandard while no specific statute or regulation is being violated by the employer.

The nurse could not prove her employer was motivated by a desire to retaliate against her for her general complaints about understaffing issues, the court ruled. Goodman v. Wesley Medical Center, __ P. 3d __, 2003 WL 22475604 (Kan., October 31, 2003).