

Patient Falls: Facility Ruled Not Liable Based On Nurse's Safety Inspection.

A wheelchair-bound patient fell in the bathroom of his hospital room while attempting to transfer himself from his wheelchair to the commode.

His fractured hip from the fall required surgery and a lengthy and painful period of convalescence.

His lawsuit against the hospital focused on the fact the grab bar on the wall broke loose when he put weight on it to support himself during the transfer.

An injury due to a defect in the condition of the premises cannot be the basis for a negligence lawsuit unless the owner of the premises caused the defect or was aware or at least should have been aware it.

UNITED STATES DISTRICT COURT
TENNESSEE
September 11, 2008

The US District Court for the Western District of Tennessee dismissed the lawsuit based on a documented walk-around safety check of the unit performed by a nurse just a few days before the accident.

The nurse was able to testify that her inspection targeted issues with the physical premises that could conceivably pose hazards to patient safety. She remembered specifically checking the grab bars in the patient bathrooms to make sure they seemed to be securely fastened to the wall.

The court did not go so far as to rule whether safety inspections in a hospital are primarily a nursing as opposed to a facilities-management responsibility. **Bridgeman v. US, 2008 WL 4206729 (W.D. Tenn., September 11, 2008).**