

Intoxicated Jail Inmate: Nurse Found Not Guilty Of Negligence Or Deliberate Indifference.

The motel manager called the police to report that an intoxicated guest was causing a commotion. The police believed he was so drunk as to be a danger to himself and called paramedics who transported him to the county jail.

The inmate suffered a stroke at some point during the night in the jail holding area. He sued the jail nurse and the county for common-law medical negligence and for violation of his Constitutional rights.

Deliberate indifference to an inmate's serious medical needs by jail officials, including medical or nursing personnel, is recognized by the courts as a form of cruel and unusual punishment forbidden by the Eighth Amendment to the Constitution and grounds for a civil-rights lawsuit.

The US Court of Appeals for the Tenth Circuit dismissed the case.

Jail Nurse Performed

Competent Neuro Assessments

The jail nurse testified to the Court's satisfaction that he knew the signs of a stroke, including hemispheric drooping of the face, slurred speech, dizziness, limping, neurological deficits and elevated BP.

The nurse recorded his initial assessment that the inmate's pupils and grip strength were equal bilaterally and his BP and Glasgow Coma Scale were within normal limits. Slurred speech, dizziness, confusion and ringing in the ears the nurse attributed to alcohol intoxication, the patient having been very obviously under the influence when he was brought in.

The nurse got a BP and re-did the Glasgow Coma Scale at least four times over the six hour period he was in the holding cell. When his BP rose the nurse gave him Gatorade to help rehydrate him.

When the inmate patient collapsed at 6:00 a.m. the nurse was instrumental in getting him sent to the hospital for further evaluation which revealed he had had a stroke sometime during the night.

The Court ruled nevertheless that the nurse's assessments, evaluation and care were completely appropriate at the time. Hindsight as to the outcome is not grounds for a lawsuit. **Childress v. Harms**, 2011 WL 6016917 (10th Cir., December 5, 2011).

When the inmate was sent to the hospital the doctors determined he was not only drunk but also had had a stroke in the jail.

Hindsight as to the outcome is not relevant. The only relevant issue is the healthcare provider's knowledge at the time of his or her assessments, evaluations and treatment.

The inmate was obviously intoxicated when the police officers brought him in.

The jail nurse interviewed the inmate and repeatedly checked his vitals, measured his Glasgow Coma Scale and monitored him closely in the holding cell.

The nurse satisfied the Court through his testimony that he was very familiar with the signs and symptoms of a stroke and actually did perform competent nursing neuro assessments of his patient.

When the inmate patient collapsed in the holding cell, it was the nurse who thought there could be something more going on besides alcohol intoxication and alerted the doctor so that the decision could be made to send the patient to the hospital for evaluation.

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT
December 5, 2011

Medication Mix-Up: Hospital Pays For Nurse's Error.

The baby's teenage mom and dad brought her to the E.R. because she was fussy, running a fever and vomiting and the Infants' Tylenol they were giving her was apparently not helping.

The baby was discharged with oral instructions from the nurse to give her a teaspoon of Tylenol every four hours. The nurse was referring to the Children's Tylenol the hospital used, but the parents gave the baby the Infants' Tylenol they had been using, which is more than three times as concentrated. The child died from liver failure caused by acetaminophen toxicity.

The hospital used Children's Tylenol exclusively, which is three times less concentrated than the Infants' Tylenol the parents had been giving the child.

The nurse simply told the parents how often to give a full teaspoon, which was a major overdose since the parents were using a more concentrated product.

The nurse did not give the parents the manufacturer's printed dosage sheet with correct doses for different Tylenol products, a violation of hospital policy.

COURT OF APPEAL OF LOUISIANA
December 7, 2011

The Court of Appeal of Louisiana approved a verdict finding the hospital 70% at fault and the parents 7% at fault.

The manufacturer of Tylenol appealed it's 23% allocation of fault unsuccessfully. Most of the Court's lengthy opinion dealt with products-liability law. The manufacturer's financial exposure for a fractional share of the multimillion dollar jury verdict is not limited like the hospital's by Louisiana's cap on medical malpractice damages. **Hutto v. McNeil**, ___ So. 3d ___, 2011 WL 6058038 (La. App., December 7, 2011).