

Correctional Nursing: Court Says Nurses Were Not Deliberately Indifferent, Prisoner's Rights Not Violated.

The US District Court for the Northern District of Illinois ruled the nurses and the physician who cared for a diabetic patient being held in a county jail acted appropriately in all respects in the care they gave him.

The court threw out his lawsuit claiming violation of his Constitutional right to be free from cruel and unusual punishment.

The court did agree in general terms that a jail inmate, whether convicted or in pre-trial detention, can sue if prison officials or health care givers are deliberately indifferent to the inmate's serious health condition. However, that did not happen in this case, the court concluded, after looking carefully at the facts.

Midnight Admission

The inmate was booked into the county jail shortly after midnight. The nurse on duty obtained a medical history. The patient indicated he was diabetic and took Humulin 70/30, 18 units in the morning and 25 units in the afternoon. The nurse noted his medical history in the chart and took his vital signs.

The nurse also got a blood sugar reading which was 374. The patient showed no signs of hyperglycemia. The nurse was concerned, but she absolutely had to verify the patient's insulin dosage with his personal physician. She called the family, but they were no help.

The nurse paged one then another on-call jail physician but got no call back.

Early A.M.

Early in the morning the day nurse got a blood sugar level 13 points lower than at midnight. There were no signs of hyperglycemia. The day nurse got a call from a jail physician who indicated it was necessary to verify the insulin regimen.

Signs of Hyperglycemia

By 11:30 a.m. the blood sugar level was 463 and the patient was complaining of dizziness. The insulin regimen had been veri-

The Eighth Amendment forbids cruel and unusual punishment. It applies to convicted criminals and to inmates being held in pre-trial detention who have not as yet been convicted.

When an inmate faces a substantial risk of serious harm and a correctional healthcare giver intentionally disregards that risk by failing to take appropriate measures, it can be considered deliberate indifference, which is one form of cruel and unusual punishment.

UNITED STATES DISTRICT COURT,
ILLINOIS, 2000.

fied, the court said, and the jail physician ordered 10 units of R insulin and 20 more units ten minutes later.

The patient was still dizzy, began having chest pains and became incoherent. At this point he was rushed to a hospital in an ambulance where his blood sugar was stabilized with insulin drips.

The patient had no residual medical complications, according to the court.

No Deliberate Indifference To Serious Medical Need

The prisoner's lawsuit focused primarily on the conduct of the admitting night nurse. The court ruled her conduct was appropriate. She took a history and vital signs and observed the patient closely for signs of hyperglycemia, which did not develop on her shift. She did not give insulin without a physician's order, despite what the patient told her. ***Cornella v. Laib*, 117 F. Supp. 2d 754 (N.D. Ill., 2000).**

No-Solicitation Rule: Hospital Could Not Fire Nurse – Helped Patient Get Absentee Ballot.

the absentee ballot. It can be the means for an incapacitated or disabled voter to exercise his or her rights as a citizen.

It was the patient who approached the nurse and asked for her assistance.

The nurse obtained an absentee-ballot application for her patient and then came to the hospital after-hours to help her patient fill out the application. The nurse signed the application as the witness, but by law any person over the age of eighteen can do that for any other eligible voter. There is no breach of trust in a nurse witnessing a document of this nature for a patient, the court felt.

The application called for the ballot to be mailed to the patient's home where she would be residing post-discharge when the election actually was held.

The nurse did not help the patient to vote her absentee ballot, and thus had no opportunity to try to direct the patient's choices. Although the nurse herself was a candidate in the election, the hospital had to admit there was no evidence the nurse tried to steer the patient toward voting for the nurse.

Had the nurse tried to get the patient to vote for her, by helping her mark her ballot or just by soliciting her vote, that would have been improper and a violation of the hospital's rules and grounds for termination, even with the nurse having come to the hospital after-hours when the nurse was not on duty. But that did not actually happen, the court said.

Further, the court believed the nurse honestly did not interpret her own conduct as campaigning or soliciting, and so she was not guilty of willful concealment when she denied the allegation the first time around. ***Brandon v. Mississippi Employment Security Commission*, 768 So. 2d 341 (Miss. App., 2000).**