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## Nurse Injured Lifting Heavy Patient: Suit Against The Patient's Physician Thrown Out By Court.

A physician with staff privileges at the hospital had written an order for his patient to be ambulated. The patient weighed 250 to 300 pounds.

When a hospital staff nurse assigned to the patient told him she could not lift the patient out of bed the physician told her to get more assistance. Two nurses and an aide were able to raise the patient to a standing position, but the patient lost her balance, fell backward and took the nurse down with her. The nurse was injured.

The nurse sued the physician for negligence for ordering her to lift the patient out of bed. The New York Supreme Court, Appellate Division, ruled in favor of the physician.

According to the court, a nurse and a physician both have legal responsibili-

***The physician is fulfilling the physician's legal duty to the patient when giving orders to the nursing staff.***

***The nurse is fulfilling the nurse's legal duty to the patient when determining how best to carry out orders for nursing care.***

***The physician is not legally responsible to the nurse for how the nurse elects to carry out orders for nursing care.***

NEW YORK SUPREME COURT,  
APPELLATE DIVISION, 2000.

ties to a patient under their care, but that does not mean the physician is responsible to the nurse for what happens to the nurse in caring for the patient.

In addition, the court said it could not see how the physician was negligent as the nurse alleged in her lawsuit. Ambulation was necessary for the patient's wellbeing in the physician's medical judgment. The nurse had read the physician's and nurses' progress notes and knew that due to her weight two people were needed to lift this patient, and the physician had verbally told her to get more help.

The court said it is the nurse's legal responsibility, not the physician's, to see that orders for nursing care are implemented safely. **Hover v. Ramani, 700 N.Y.S.2d 578 (N.Y. App., 2000).**