

Ambulation: Nurse Does Not Assist, Court Finds Liability.

The patient had had a heart transplant. She returned to the hospital for follow-up tests in the cardiac catheterization lab.

After the tests were completed the physician asked the patient if she was dizzy and the patient said she was not. The physician tried to help the patient off the examining table by having her step down to a step stool, then down to the floor. She fell and fractured her hip.

The New York Supreme Court, Appellate Division, found fault with the physician. There was a nurse standing by during the procedure who could have helped him help the patient, but he neglected to ask the nurse for assistance. The court did not find fault with the nurse.

The court also ruled the patient did not need an expert witness for her case. It was not an erroneous professional medical judgment, but lack of common sense, the court said, for the physician not to ask the nurse for assistance in helping the patient. Reardon v. Presbyterian Hospital, 739 N.Y.S.2d 65 (N.Y. Super., 2002).

Ambulation: Nurse Does Not Assist, No Liability Found.

The patient had just had dental surgery at the hospital. His friend was with him. There was also a nurse present.

The patient tried to get up and his friend tried to help him. The patient weighed almost 400 pounds. The nurse was close by but did not attempt to assist the patient or assist the friend who was assisting the patient.

The patient fell on his friend. The friend, not the patient, sued the hospital for the nurse's negligence. He claimed he suffered a herniated disk in his neck either when the patient grabbed his arm or when the patient fell on him.

The New York Supreme Court, Appellate Division, ruled the nurse was negligent for standing by and neglecting to offer assistance. However, the court believed the friend's neck condition was not a herniated disk from recent trauma, but old degenerative arthritis. Thus cause-and-effect was lacking and there was no liability, the court ruled. Radish v. De Graff Memorial Hospital, 738 N.Y.S.2d 780 (N.Y. Super., 2002).

Melenic Stools Not Reported To Physician: Nurses' Neglect Contributed To Patient's Decline.

The patient was admitted to the hospital after complaining of nausea and vomiting blood.

She had been to the hospital before and was diagnosed with upper gastrointestinal bleeding. Her history included a stroke, delirium tremens secondary to alcohol abuse, hypertension and tachycardia.

While in the hospital this time she suffered another stroke and died. The death certificate listed the cause of death as cerebral vascular accident secondary to atherosclerotic vascular disease as a consequence of hypertension. Her physicians traced the stroke to a plaque-occluded left carotid artery.

The patient's daughter sued the hospital alleging negligent and standard nursing care.

The nurses' negligence probably exacerbated the patient's overall poor health condition, caused pain and suffering and contributed to her decline, even if it was not the ultimate cause of her death.

Loss of blood and low hemoglobin contributed to the angina she suffered in her last days.

Gastrointestinal bleeding did not cause the stroke from which she died.

SUPREME COURT OF MISSISSIPPI, 2002.

The Supreme Court of Mississippi made a qualified ruling that there were grounds for the lawsuit.

The nurses charted but did not report the melenic stools to the physician, even though the patient had an upper GI hemorrhage, low hemoglobin and angina. Not reporting a significant health condition is nursing negligence, and the court believed it contributed to the patient's pain and suffering and overall decline but did not cause her death.

A legal nurse consultant is competent to testify about nursing standards and practices. However, only a physician, not a nurse, can testify on the issue of cause-and-effect linking nursing negligence to a patient's death. Richardson v. Methodist Hospital, 807 So. 2d 1244 (Miss., 2002).