

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Tuberculous Meningitis: Diagnosis Delayed, Nurses Ruled Not Negligent.

The sixty-two year-old patient was admitted to the hospital by her primary-care physician for treatment of rheumatoid arthritis.

The admitting note and history provided by the primary-care physician did not mention that the patient had come into contact with infectious pulmonary tuberculosis as a supervisor at a social services halfway house or that she was prone to testing positive for tuberculosis on PPD tuberculin tests.

Nurse's Admitting Assessment

The nurse's admitting note included the patient's history of arthritis, stomach problems and ulcers, but did not mention many of her other past problems including diabetes, kidney disease and exposure to tuberculosis.

The Court of Appeals of Ohio noted for the court record there was no dispute that the patient exhibited no signs whatsoever of a currently active tuberculosis infection when she was admitted to the hospital.

The patient's primary care physician ordered medication for her arthritis and tests including a PPD.

Nurse's Chart Review

Four days into her hospital stay her nurse reviewed her chart and noted that various tests, including the PPD, had not been performed as ordered.



In a negligence action involving the professional skill and judgment of a nurse, expert testimony must be presented to establish the prevailing standard of care, a breach of that standard, and that the nurse's negligence, if any, was the proximate cause of harm to the patient.

The court properly directed a verdict in favor of the hospital.

COURT OF APPEALS OF OHIO
January 28, 2003

The nurse verified with the patient that the tests in fact had not been done. The patient stated she always tested positive on PPD's and usually had follow-up chest xrays to determine the current activity status of a dormant tuberculous condition from her past occupational exposure.

Nurse's Progress Note

It was a Sunday and the nurse charted a progress note that the tests ordered by the primary-care physician had not been done, including the PPD, and charted the patient's past history with tuberculosis as indicated above.

Over the next ten days the primary-care physician and two infectious-disease specialists ran various tests and tried various antibiotics while the patient's status deteriorated. A spinal tap they ordered finally revealed there was tuberculous meningitis. She went into coma two days later and the family terminated life support.

Hospital Ruled Not Negligent

The court ruled the nurses fully performed their professional duties and were not negligent for not stepping in and making the definitive medical diagnosis. That was the physicians' responsibility. **Sullins v. University Hospitals of Cleveland**, 2003 Ohio 398, 2003 WL 195076 (Ohio App., January 28, 2003).

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