

Morphine Toxicity: Evidence Of Nursing Negligence Found.

The elderly patient was admitted to a nursing home as a full-code patient after it was determined he was not a suitable candidate for surgical repair of his hip fracture due to his diabetes, coronary artery disease and Parkinson's.

His care in the nursing home basically involved administration of narcotics to ease his pain.

His health soon began to decline. His physician twice recommended he be sent back to the hospital for further testing. His wife brought in a durable power of attorney the patient had signed which proved to the physician's satisfaction she had the authority to decline on his behalf anything beyond palliative care.

Less than a week after admission he died from acute morphine toxicity.

The forensic pathologist testified the patient died from a morphine dose given hours before his death.

No one other than the nurses had access to the patient or the facility's locked store of narcotics.

COURT OF APPEALS OF MICHIGAN
October 3, 2013

The Court of Appeals of Michigan approved a \$1.5 million award for the widow from the nursing home after adjusting down the jury's verdict of \$4.85 million for Michigan's cap on damages.

The Court accepted the forensic pathologist's conclusions as to the cause of death as well as the nurse managers' testimony that no one other than the nurses had access to the facility's narcotics. There was no plausible explanation other than an overdose given to the patient by a nurse.

The Court declined to overturn the jury's verdict over the fact that the family's lawyer expressly mentioned the word "homicide" in his opening statement. ***Needham v. Mercy Memorial***, 2013 WL 5495551 (Mich. App., October 3, 2013).

Neonatal Nursing: Lawsuit Faults Nurse For Fingers Auto-amputation.

The treating physician ordered a blood draw for a premature infant which was taken by a nurse from the infant's right hand.

Later that day the infant's mother, also a nurse, noticed that the fingertips on the right hand were turning blue or dusky. The nurse applied a warm compress to the right hand, but the discoloration of the fingertips appeared to spread upward from the hand through the arm to the shoulder.

Two days later the fingers on the infant's right hand auto-amputated, that is, they simply fell off.

The mother sued the infant's nurse claiming that the nurse's negligence caused the auto-amputation.

The mother's nursing expert testified it is necessary to perform Allen's test to check capillary re-infusion to verify adequate perfusion in the upper extremity before a stick to obtain blood.

Getting blood from the heel is the preferred method with an infant patient.

SUPREME COURT OF ALABAMA
September 27, 2013

The Supreme Court of Alabama ruled that the mother's nursing expert's opinions as to the nurse's negligence were a sufficient basis for the case to go forward.

According to the mother's expert, it is necessary to check blood perfusion in the hand before going ahead with a stick to draw blood.

The risk is that clotting following the stick can compromise blood perfusion leading to sepsis and cell death.

The preferred method, according to the expert, is to get blood from an infant's heel. ***Boyles v. Dougherty***, __ So. 3d __, 2013 WL 5394326 (Ala., September 27, 2013).

Post-Colonoscopy Care: Court Sees Nursing Negligence.

The patient awoke with severe abdominal pain after her colonoscopy, which she reported to the recovery room nurses.

The nurses reassured her that gas pain was normal after a colonoscopy and encouraged her to get up and walk around in the recovery room to pass gas.

The patient could barely walk. She knew from previous colonoscopies that severe pain, as intense as the pain of childbirth, was not normal.

She was discharged from the hospital twenty-five minutes later, still in severe pain. Her husband drove her home, then back to the hospital twelve hours later. An x-ray revealed a perforated colon which required surgical repair, a partial colectomy and a temporary colostomy which was reversed three months later.

This patient does not need an expert witness for the nursing standard of care.

When a caregiver's negligence is so obvious that a juror would not need any medical knowledge to recognize a breach of the standard of care, the so-called common knowledge exception dispenses with the general rule requiring an expert witness.

COURT OF APPEALS OF INDIANA
October 2, 2013

The Court of Appeals of Indiana ruled the patient could go forward with her case against the hospital for the recovery room nurses' negligence.

That was the Court's ruling even though the patient's medical expert, while faulting the physician who did the colonoscopy, stated he had no expertise in the field of nursing to be able to opine one way or the other about the nurses' actions. ***Chaffins v. Kauffman***, __ N.E. 2d __, 2013 WL 5493400 (Ind. App., October 2, 2013).