Urine Samples Mixed Up: Hospital Can Be Sued For Negligence.

A county corrections officer sued the hospital where she was sent for a required physical examination. The officer's suit alleged the hospital was negligent for mixing up her drug-test urine sample with a sample from another individual, resulting in false allegations against the officer of cocaine use.

To prevent wrongful termination of an employee based on an incorrectly labeled drug-test urine specimen, the hospital had a detailed collection protocol.

The specimen was to stay in the presence of the person from whom it was collected while the specimen container was capped, labeled and sealed. In addition, the contained was to be initialed by the person before it could be sent to an outside lab for testing.

If proper steps are not followed, and urine samples get mixed up, a person falsely accused of a positive drug test can sue for negligence.

DISTRICT COURT OF APPEAL OF FLORIDA, 1997.

The District Court of Appeal of Florida ruled there were grounds for a lawsuit. The lower court was wrong for throwing out the suit. The officer was entitled to her day in court to try to prove her case, that is, that the hospital had not followed its own strict procedures to insure that drug-test urine samples are not mixed up. **Lynn vs. Mt. Sinai Medical Center, Inc., 692 So. 2d 1002 (Fla. App., 1997).**

Nursing-Care Surveys: Not Proof Of Negligent Nursing Care, Court Says.

Nursing care surveys are not meant to be used to prove a pattern of substandard nursing care in a civil negligence case.

It was correct for the court not to have let the jury see or even hear about these surveys. They were irrelevant and could have confused and misled the jury.

The state department of health found certain violations of its rules and regulations for hospital nursing care, during surveys conducted four years before, two years before and four months after the events in question.

This was not relevant to whether the nursing care was negligent that this particular patient had received.

None of the deficiencies noted by the state inspectors pertained to the actual care or even to the type of care this particular patient received on the floor where this patient was admitted.

The time frame when the inspectors wrote their reports was too far from the time frame of the events behind the suit involving this patient.

ARKANSAS SUPREME COURT, 1997.

The patient was brought to the hospital emergency department with abdominal pain and was rushed into surgery. The medical diagnosis was acute vascular embarrassment. The patient was sent to the surgical recovery room, but died several hours later.

The family filed suit against the hospital. The suit alleged the hospital was negligent in failing to staff the facility adequately and in failing to train and supervise the nursing staff properly. The suit alleged further that the nurses failed to follow the hospital's written policies in caring for someone in this patient's condition, failed to chart the patient's vital signs and failed to care for and monitor the patient properly.

As the family could not produce any specific proof in court in support of these vague general allegations, to show how the nurses had been negligent in caring for this patient, the jury returned a decision in favor of the hospital, and rightfully so, according to the Arkansas Supreme Court.

The key pieces of evidence the family members thought they had in their favor were nursing-care survey documents the family's attorneys had obtained from the state department of health.

It was believed these documents would establish a general pattern of substandard nursing care at the hospital from which the jury could conclude this particular patient had not been cared for adequately. The court disagreed. Such matters as inadequate documentation of h.s. snacks for diabetic patients had nothing to do with how this patient was cared for.

The surveys did show an ongoing problem with nursing care plans not being initiated within 24 hours and not being updated daily. However, in this specific case there was a care plan established as soon as the patient came to the floor, and the patient did not survive more than a day. Past deficiencies in this area were wholly irrelevant. **Berry vs. St. Paul Fire and Marine Ins. Co., 944 S.W. 2d 838 (Ark., 1997).**