

Power Of Attorney Revoked: Lawyer Not At Fault.

The daughter of the seventy-nine year-old patient, whom he had named in a power of attorney, had her father admitted to a nursing home after his heart attack.

The patient's friend called a lawyer. The lawyer conferred with the patient by phone, drew up a document which revoked the power of attorney the daughter had used to admit him, went to the nursing home and had him sign. The patient was released to go home with his friend.

No Violation of Legal Ethics

The family complained to the State Bar Association over the fact the attorney went ahead without contacting the family for their input.

The Supreme Court of North Dakota ruled the lawyer committed no ethical violation.

The Court ruled the lawyer's ethical obligation is to the lawyer's client. A lawyer is not only entitled, but is required to treat only the client as the lawyer's client and to take the client's intentions at face value, despite the wishes of others or their opinions as to what is in the client's best interests. **Matter of Runge**, __ N.W. 2d __, 2015 WL 574826 (N.D., February 12, 2015).

On The Job Injury: Nurse's Worker's Comp Case Upheld.

A registered nurse slipped and fell while making her rounds checking on her patients at the hospital.

She injured her right foot, left wrist and face. She filed for worker's compensation.

The nurse testified in a hearing that her fall occurred when her foot stuck to the floor and she lost her balance and stumbled.

The hospital's representative tried to claim the fall occurred because the nurse temporarily lost consciousness or experienced a medical episode related to her pre-existing diabetes or some unknown idiopathic condition. The New York Supreme Court, Appellate Division, discounted that as mere speculation with no legal relevance.

The law presumes that an accidental injury in the course of employment is an injury that arises out of employment and is compensable under worker's compensation.

The employer or the insurer is entitled to try to counter that legal presumption, but to do so actual evidence, not mere speculation, is required. **Worthington v. Samaritan**, 124 A.D. 3d 1155, __ N.Y.S.2d __, January 29, 2015).

Nursing Documentation: Case Made Against Nursing Facility From Absence Of Chart Entries.

Before she passed away the elderly patient had three stays in the same nursing home starting after surgery in the hospital for a tibia fracture actually sustained in the hospital.

Her diagnoses included diabetes, hypertension, hypothyroidism, anemia, peripheral neuropathy and chronic renal disease and she had a pacemaker.

After she passed away her family sued the nursing home for negligence.

The Court of Appeals of Texas accepted the family's physician expert's opinion which, based on wholly inadequate nursing documentation in the chart, pointed to nursing negligence.

The admitting orders called for dressing changes every day. The chart contained no assessments of the surgical wound or records of dressing changes over a thirty-five day period.

There is no comprehensive care plan documented in the chart.

There is no wound assessment, wound care, Foley care or fluid input/output monitoring documented in the chart.

The family's expert can conclude from the absence of care documentation that nursing negligence caused the resident's death from renal failure and sepsis.

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The admitting orders also called for Foley care q shift but the chart contained no records of Foley care or fluid I/O monitoring.

Back in the hospital she had a severe bladder infection and her leg was red and swollen with pus draining from the surgical wound positive for MRSA.

She had to have a complicated second surgery to repair the unhealed surgical wound including skin grafting.

Back at the nursing home there was no documentation of any nursing care to the skin graft site.

The patient was given O₂ in the nursing home when shortness of breath from sepsis set in, but there was no plan of care developed for the O₂ or consistent documentation of saturation monitoring. **Legend Oaks v. Molina**, __ S.W. 3d __, 2015 WL 693225 (Tex. App., February 18, 2015).