

Patient Falls: Court Sees Lack Of Nursing Leadership, Seat Alarm Should Have Been Used.

The Court of Appeals of Kansas threw out the judge's ruling which had dismissed a family's lawsuit against a nursing home. The Court of Appeals found there was evidence of staff negligence leading to the deceased patient's fall, at least enough evidence that a jury should have decided whether there was liability.

Lack of Nursing Leadership

The Court of Appeals agreed with the family's nursing expert that there was a lack of nursing leadership at the facility which contributed to a disorganized patient-care atmosphere which led to this patient's fall. That is, no specific aide was assigned to keep tabs on the resident to assure that she would not be placing herself in harm's way by standing up and trying to walk away from her wheelchair.

Chair Alarm

The facility also did not have care protocols for high-fall-risk patients. A proper fall-risk protocol for this patient, the court believed, should have included use of a chair alarm to alert staff when she attempted to rise. Anderson v. K & E Health Management Inc., 2006 WL 851471 (Kan. App., March 31, 2006).

The deceased patient's family has raised valid concerns over the quality of their late mother's care.

An advanced registered nurse practitioner who was hired as an expert by the family's attorney related her fall from her wheelchair to a lack of nursing leadership and professionalism at the nursing home.

That is, personal care was disorganized at the facility. Aides were not assigned to specific residents and there were no formal reports by aides to aides at shift changes.

The deceased should have been flagged as a fall risk. There were no formal protocols in place so that aides would know how to prevent high-fall-risk patients from falling. That fact reflects poorly on the facility's concern for patients' safety.

COURT OF APPEALS OF KANSAS
March 31, 2006
