

LEGAL EAGLE EYE NEWSLETTER

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Patient Fall: Nursing Notes Prove There Was No Negligence, Lawsuit Dismissed.

The patient was on the rehab unit recovering from total knee replacement surgery ten days earlier.

She fell in her room and re-injured the operative knee. She needed immediate corrective surgery which was followed by infection and other complications that required additional medical procedures and hospitalizations.

The patient sued the hospital for nursing negligence. She claimed her nurses left the bed rails down and that allowed her to roll out of bed.

The Court of Appeal of Louisiana expressed sympathy for her painful and disabling injury but found no nursing negligence and dismissed the lawsuit.

High Risk / Fall Alert

The patient's medical expert, an emergency physician, was of the opinion the patient should have been considered a high risk for a fall due to the type of surgery she had just had, the types of medications she was taking and her prior mental history.

The court, however, discounted his qualifications to give an expert opinion in the field of rehabilitation nursing.

The court pointed to the nurses' notes for the six days right up to the fall. The nurses noted that the patient seemed to understand the safety teaching she was getting from the nurses.



The last nursing notes at ten and eleven p.m. had "up" arrows for the bed rails.

The nurse who found the patient noted she was on the floor near the bathroom door, six or seven feet from her bed.

It would be negligent for nurses to leave the rails down and allow the patient to roll over and out of bed, but that is not what happened here.

COURT OF APPEAL OF LOUISIANA
December 17, 2003

The nursing notes showed she was consistently using her call bell to summon assistance, was getting regular assistance to get out of bed and was not trying to go to the bathroom by herself.

Nursing Documentation Bed Rails Up

The nursing charting at ten and eleven p.m., the last notes before she was found on the floor of her room, contained "up" arrows for the bed rails.

The nurse who found her noted she found her near the bathroom door, six or seven feet from her bed.

It is nursing negligence for nurses to leave the bed rails down and allow a patient to roll out of bed as this patient claimed in her lawsuit.

However, that is not what happened, the court concluded. The nursing notes pointed to only one conclusion. The patient attempted to get up and go to the bathroom by herself.

There is no nursing negligence when a patient has the capacity to know better, has been taught to know better, understands her limitations, knows she must ask for help and that she will get help from the nurses if she asks but nevertheless tries to do something herself that results in injury. Curtis v. Columbia Doctors' Hospital of Opelousas, ___ So. 2d ___, 2003 WL 22961359 (La. App., December 17, 2003).

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