

O.R.: Prep Solution Under Tourniquet, Patient's Thigh Burned.

The patient had to have surgery to repair an anterior cruciate ligament tear in her left knee.

The perioperative nurses who were hospital employees prepped the knee by scrubbing her leg from mid-thigh to mid-calf with a Betadine solution. A tourniquet was applied above the knee to restrict blood flow to the lower extremity during the procedure.

After the procedure it was discovered the patient had a chemical burn on the back of her thigh, an area not within the field of the surgery.

Apparently some of the Betadine prep solution leaked under the tourniquet. When the tourniquet was inflated the pressure of the tourniquet on the Betadine solution against the patient's skin most likely caused the chemical burn, according to the Court of Appeals of Iowa.

The surgeon, the nurse anesthetist and the anesthesiologist collectively had exclusive control. They will have to sort out who is responsible

COURT OF APPEALS OF IOWA
UNPUBLISHED OPINION
September 10, 2003

The hospital paid an undisclosed settlement to the patient, leaving the surgeon, nurse anesthetist and his supervisor the anesthesiologist as defendants in the suit.

The court ruled the patient had the benefit of the legal doctrine of *res ipsa loquitur*, meaning the remaining defendants each had to disprove their own responsibility for her injuries. *Pillers v. The Finley Hospital*, 2003 WL 22087488 (Iowa App., September 10, 2003).

Forgery: False Nursing License Given To Employer, Nurse Convicted.

An individual just hired as a nursing supervisor in a long-term care facility was asked for her nursing license.

She said she had just graduated and taken her boards and was awaiting the results. Being unable to verify that, the employer again insisted on seeing her nursing license. She handed over a photocopy of a nursing license in her name with the word "Void" stamped on it.

Any person who shall utter and publish as true any false, forged, altered or counterfeit record, deed, instrument or other writing knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud, shall be guilty of the crime of uttering and publishing.

COURT OF APPEALS OF MICHIGAN
September 9, 2003

As a general rule, as pointed out by the Court of Appeals of Michigan, the crime of forgery occurs not when a person prepares or possesses a false document, but when a false document is presented as real in an attempt to obtain something under false pretenses. This criminal act is referred to as uttering and publishing.

The court ruled that a nurse presenting an invalid nursing license to an employer as real in an attempt to obtain employment under false pretenses commits the crime of uttering and publishing. *People v. Casadime*, __ N.W. 2d __, 2003 WL 22086011 (Mich. App., September 9, 2003).

Nursing Home Bill: Power Of Attorney versus Responsible Party.

In a recent unpublished opinion, the Superior Court of Connecticut ruled that a family member with power of attorney for a nursing home resident's affairs is not automatically considered the responsible party required to pay the bill.

The court pointed out the admission papers had two places for someone other than the resident to sign if someone else had to sign for the resident.

One signature line was for a legal guardian or person holding power of attorney to sign to consent to care.

Another signature line was for the responsible party to co-sign for the resident to assume responsibility for payment of the bill.

If the person holding power of attorney does not also sign as the responsible party, the person holding power of attorney is not financially liable. *Gladeview Health Care Center v. Grande*, 2003 WL 22040626 (Conn. Super., August 7, 2003).

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