

## Post-Anesthesia Recovery: Court Finds Breaches Of The Legal Standard Of Care.

The Appellate Court of Illinois threw out the jury's verdict. The verdict was in favor of a family planning clinic where a thirteen year-old young woman died shortly after an elective abortion procedure. The Appellate Court ordered a new trial. At the new trial the jury would hear not just what happened but what should have happened, the court said.

### What Happened

After the procedure the nurse anesthetist disconnected the monitoring equipment, wheeled the patient to the recovery room, checked that she was still breathing and left her with an untrained medical assistant.

The medical assistant put on a blood pressure cuff and a pulse oximeter. The oximeter beeped because there was no reading. The medical assistant could not figure it out and eventually called a nurse.

The nurse immediately opened her airway, started CPR and called a code. After an hour of CPR the patient was pronounced. The autopsy ruled the cause of death "undetermined" but found no evidence of amniotic fluid embolism.

### What Should Have Happened

According to the Appellate Court, in post-anesthesia recovery she should have been immediately put on O<sub>2</sub> by mask and an EKG.

After personally seeing that that was done the nurse anesthetist should have taken her vital signs. The nurse anesthetist should have personally given his report to a recovery-room nurse.

The court said there should have been at least two trained recovery-room nurses present at all times. A post-anesthesia patient should at no time be left with an untrained medical assistant.

In an outpatient clinic that does procedures under general anesthesia all recovery room personnel should have current advanced cardiac life support certification, the court said.

If they cannot handle a problem they should call 911 immediately. Adams v. Family Planning Associates Medical Group, Inc., 766 N.E. 2d 766 (Ill. App., 2000).

***The clinic apparently did not follow its own procedures in the care of this post-anesthesia patient.***

***The trial judge was wrong not letting the jury hear about the clinic's own procedures.***

***The trial judge was wrong not instructing the jury to consider whether the clinic not following its own procedures was the cause of this patient's death.***

***The trial judge let the jury hear from the clinic's hired medical expert witnesses.***

***They diverted the jury's attention to the possibility the patient died from an amniotic fluid embolism, a known but rare complication of pregnancy.***

***Because the trial judge was in error and that error was prejudicial, the family of the deceased patient is entitled to a new trial.***

***At the new trial the judge must let the jury hear about the clinic's procedures.***

***The jury must decide if the clinic's own procedures were followed. If they were not followed, the jury must decide whether that was negligent and whether it caused the patient's death.***

APPELLATE COURT OF ILLINOIS, 2000.

## Correctional Nursing: Court Believes Prisoner's Rights Were Violated.

A prison health unit was staffed full-time by registered nurses. One or more physicians visited on a weekly basis.

A prisoner went to the prison health unit complaining of abdominal pain in the right lower quadrant and had other symptoms of appendicitis.

The nurses only made a chart note to "rule out appendicitis." He kept coming back and complaining. Days later he was sent for tests to the hospital, where his appendix ruptured and was removed.

***A prisoner can sue for violation of the Eighth Amendment (cruel and unusual punishment) if prison caregivers are deliberately indifferent to the prisoner's serious medical needs.***

***A medical condition is serious if failure to treat it could result in further significant injury to the prisoner or infliction of unnecessary pain and suffering upon the prisoner.***

UNITES STATES COURT OF APPEALS, SEVENTH CIRCUIT, 2000.

The US Circuit Court of Appeals for the Seventh Circuit believed he had grounds to sue. Deliberate indifference to a prisoner's serious medical needs is cruel and unusual punishment outlawed by the Eighth Amendment. The court said it was unacceptable for the nurses to note a serious condition but not follow up. Sherrod v. Lingle, 223 F. 3d 605 (7th Cir., 2000).