

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Patient Education: Nurses Are Sued For Talking Down To Patient, Case Dismissed.

The patient had to go back to the hospital for almost a month when staph and e coli infections arose at home after her discharge following quadruple bypass surgery.

When leaving the hospital this time she enrolled with a visiting-nurse association for in-home care, to be paid for by her health insurance.

The care plan was for the nurses to treat her wounds and flush her peripherally inserted central catheter.

The care plan also called for the nurses to teach the patient how to care for her wounds herself, how to maintain her diet, how to care for her diabetes and how to keep her home safe.

From the start the patient objected to her nurse's "overly polite" attitude and complained that her nurse was talking down to her during patient-teaching sessions.

Over the course of the first week the nurse repeatedly insisted the patient needed to start participating in her own wound care and learn to flush her own PICC line or she might possibly forfeit her insurance coverage for skilled nursing care. The patient became upset at the prospect of losing her insurance coverage for home care, as she might die if the nurses stopped coming and caring for her.



***The nurse's "overly polite" comments were meant to prompt the patient to become more medically independent. That was fully consistent with the patient's care plan.***

***It may have been insensitive to suggest she could lose her insurance coverage for being uncooperative, but an average member of the public would not consider that offensive.***

COURT OF APPEALS OF GEORGIA  
February 17, 2005

### **Patient Refused Teaching Refused to Participate In Care**

The patient resisted the nurse showing her how to flush her own PICC tube and change her own wound dressings.

The patient flatly refused to try to do these tasks, maintaining that it was strictly her nurse's responsibility to do everything for her.

### **Emotional Distress Suit Thrown Out**

The patient sued the non-profit visiting nurse association, her nurse and her nurse's supervisor. The Court of Appeals of Georgia agreed with the local county court judge's decision to dismiss the case.

To sue for intentional infliction of emotional distress there must be intentional malicious conduct that is outrageous in the extreme. That certainly was not the case here, the court said.

The nurse was acting properly and was following the patient's care plan ordered by her physician when the nurse steadfastly insisted the patient had to take an interest in her own care.

It may have been insensitive to threaten loss of insurance coverage, the court said, but not grounds for a lawsuit. ***Canziani v. Visiting Nurse Health Systems, Inc.***, \_\_\_ S.E. 2d \_\_\_, 2005 WL 388279 (Ga. App., February 17, 2005).

**Inside this month's issue ...**

**April 2005**

**New Subscriptions  
See Page 3**

**Patient Teaching/Emotional Distress - Nursing Home Understaffing  
Abuse Of Dependent Adult/Duty To Report/Facility Staff  
Post-Op Nursing/Vomitus Aspiration - Drug/Alcohol/Confidentiality  
Exit Interview/Emotional Distress - Pregnancy Discrimination  
HIPAA/Interview With Patient's Attorneys - HIV Discrimination  
Correctional Nursing/Medication Error/Deliberate Indifference  
Male Nurse/Female Supervisor/Harassment/Discrimination  
Adult Diaper Not Changed/Nursing Home Residents' Bill Of Rights**