

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Patient's Fall: Court Says Nurse, Nursing Student Were Not Negligent In Patient's Care.

The fifty-four year-old patient fell the day after left total knee replacement.

The night before she fell, hours after surgery, her nurse documented her getting up from her recliner chair without assistance, walking over and getting in bed.

A patient teaching session followed in which the nurse cautioned the patient about the hazards of getting up and moving on her own without assistance.

The day she fell a student nurse from the hospital's RN program was caring for her. He had completed classes in patient assessment, safety and bathing.

His supervising nurse who was assigned to the patient was in the nurses station across from the patient's room.

The nursing student offered the patient a sponge bath in bed. She agreed. He washed her upper body and then offered assistance with her perineal area. She declined. He removed her leg brace with her still lying in bed and, after twice cautioning her not to get out of bed and to ask for help if she needed it, he stepped behind the privacy curtain so she could wash herself.

When the student nurse heard a noise he pulled back the privacy curtain and found the patient on the floor. The nurse came from the nurses station right away when the student nurse called for help.

After assessing and helping the patient the nurse charted a progress note about the way the patient told her the fall occurred.



The patient and the nurse had two different versions of the facts. The court found the nurse credible and discounted the patient's testimony.

Within two hours of the incident the nurse charted that, when the nurse asked her right after she fell, the patient stated she stood up on her own to pull up her pants.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
April 28, 2016

The patient told the nurse she fell when she stood up to pull up her pants after she washed her private area.

Court Finds No Negligence

The US District Court for the Eastern District of Pennsylvania found no negligence.

The nursing student tried to respect his patient's privacy and also ensure her safety by standing close by behind the privacy curtain after twice instructing her not to stand up on her own but to ask for his assistance.

The Court discounted the patient's trial testimony that she was wearing a hospital gown when the student nurse stood her up from her bed, took off her leg brace and did not stop her fall.

More credible and persuasive was the nurse's testimony from twenty-six years experience in orthopedics that a patient scheduled for physical therapy that morning more likely would have been wearing stretch pants, not a hospital gown, a factual nuance which the Court pointed out the patient's medical and nursing experts did not catch.

The Court also pointed to the nurse's progress note the nurse placed in the chart within two hours of the incident which reflected the patient's candid initial account of the incident. ***Velez v. Reading, 2016 WL 1696867 (E.D. Penna., April 28, 2016).***

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