

## Perioperative Nursing: Nurse Must Inspect Instrument Handed Back.

To start the arthroscopic knee surgery the surgeon used a scalpel to create two instrument portals through the skin.

The blade was missing when the surgeon handed the scalpel handle back to the scrub nurse.

Not until almost the end of the case was the missing blade noticed and reported to the surgeon by a surgical tech who had started cleaning up.

The surgeon got an x-ray which confirmed the blade was still inside. It broke apart when the surgeon reopened one portal incision and tried to pull it out with forceps. By then the tourniquet had been restricting blood flow too long, so the surgeon opted to wait until later to open up the knee to remove the blade fragments.

The apparently defective scalpel handle was discarded by the scrub nurse at the conclusion of the case.

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***The hospital cannot argue that a surgical nurse is not negligent who fails to notice that a scalpel handed back to her by the surgeon is missing its blade.***

COURT OF APPEALS OF WASHINGTON  
September 14, 2009

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The Court of Appeals of Washington ruled there were grounds for a negligence lawsuit against the surgeon and against the hospital as the scrub nurse's employer.

In the hospital's favor, the court ruled there was no indication the scrub nurse was guilty of spoliation of the evidence. The court was satisfied the nurse tossed the scalpel handle simply because it was defective and could not be used again. The court detected no motive to get rid of legally adverse evidence. Doing that could have been separate grounds for a lawsuit. ***Ripley v. Lanzer***, \_\_ P. 3d \_\_, 2009 WL 2915689 (Wash. App., September 14, 2009).