Restraint Of Combative Patient: Nurse's Painful Pinch To Release Patient's Grip Was Not Abusive, Court Rules.

Two female registered nurses were among several personnel trying to apply physical restraints to an intoxicated alcoholic female patient who was described as assaultive and combative in the court record of the Court of Appeals of Arkansas.

The patient had hold of both of one of the nurse's hands and would not let go. The patient's finger nails were scratching and puncturing the nurse's hands. The other nurse got the patient to release her grip, by administering a painful pinch to the inside of the patient's upper arm. Both nurses were fired for abuse of the patient.

The court said what the nurse did under the circumstances was not patient abuse or intentional disregard of expected standards for professional nursing and that the nurses should not have been fired. The court disapproved of this tactic for handling patients, but did not say what would have been more appropriate. **Thomas vs. Director, Employment Security Department, 931 S.W. 2d 146 (Ark. App., 1996).**

This registered nurse's conduct, when she pinched the inside of a combative patient's upper arm to get the patient to release her grip on another nurse, was at worst an indiscretion or a good-faith error in professional judgment.

It was not intentional abuse of a patient. It was not sufficiently severe, under the circumstances, to amount to intentional disregard of the professional standards of conduct which an institution has the right to expect from professional nursing staff.

COURT OF APPEALS OF ARKANSAS, 1996.

Potentially HIV-Infectious Blood: FDA Delays Effective Date Of Its Regulations.

We reported in October, 1996 that the FDA had announced new regulations for suppliers of blood and blood products to notify hospitals which received prior donations from a donor who tested negative at the time but tests HIV-positive at a later donation.

According to the FDA, February 7, 1997 (not November 8, 1996) is the correct effective date of the FDA's new regulations for suppliers of blood and blood products.

The FDA has set February 7, 1997 (not November 8, 1996) as the effective date for its new regulations for notification to be given to hospitals by blood and blood products suppliers when a prior donor tests HIV-positive at the time of a later blood donation.

HCFA has not delayed the November 8, 1996 deadline for hospitals to adopt procedures to respond to receiving such notification.

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HCFA, however, has not delayed its November 8, 1996 deadline for hospitals participating in Medicare to have procedures to quarantine potentially tainted blood and blood products in stock and to have procedures in place, if notified the donor has re-tested conclusively HIV-positive, to notify and counsel patients who got potentially HIV-infectious blood or blood products, as outlined in the October, 1996 issue of this newsletter.

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