

Pneumonia: Nurse Practitioner Met Standard Of Care.

The Court of Appeals of North Carolina agreed with the jury's verdict which exonerated a family nurse practitioner from liability for her patient's death.

The Court accepted the testimony of a family nurse practitioner who testified as an expert witness for the defendant family nurse practitioner.

Assessment, Care Appropriate Patient Died From Other Causes

The patient walked into the clinic with symptoms which had begun three days earlier. He was short of breath and coughing up yellowish phlegm, some of which was blood-tinged. He was not dizzy or nauseous and denied chest pains and heart palpitations.

The nurse practitioner who saw him, whom his widow would later sue, obtained a history of hypertension, diabetes, elevated cholesterol and smoking.

The nurse practitioner's physical exam revealed low blood pressure, elevated heart rate, normal respiratory rate, good skin color, normal mental status and bilateral rhonchi in the lungs.

Her diagnosis was community acquired pneumonia. She gave him a DuoNeb treatment, an albuterol inhaler to take home, IM Rocephin, prescriptions for oral Augmentin and prednisone and a follow-up appointment two days later and sent him to the hospital for a chest x-ray.

Late that same night the wife drove the patient to the E.R. when he started gasping for air. He was dead on arrival.

The autopsy showed few pneumococcus bacteria in the lungs, indicating that the antibiotics had been working, and significant narrowing of the major coronary arteries. Pneumonia was listed as the cause of death, although other medical experts testified in court he died from arrhythmia associated with coronary artery disease.

The jury concluded the clinic nurse practitioner's care was appropriate based on the signs and symptoms she observed. The nurse practitioner had no reason to anticipate he needed to be hospitalized that day for his chronic coronary condition.

Langwell v. Albemarle Family Practice, ___ S.E. 2d ___, 2010 WL 1754764 (N.C. App., May 4, 2010).