

## Physician's Standing Orders: Court Faults Nurses, Pre-Operative Antibiotic Not Given.

The patient was admitted to the hospital for two procedures during one operation, a total vaginal hysterectomy to be performed by her ob/gyn and his partner, followed by a retroperitoneal suspension to be performed by a urologist.

The patient's ob/gyn's partner supplied hand-written pre-operative orders for the patient which the hospital's nurses placed in her chart. The handwritten orders did not mention a pre-op antibiotic.

### Medical Group's Standing Pre-Op Orders Not Included In Chart

The nurses did not place any supplementary or standing orders in the chart. As a result, the patient did not receive a pre-operative antibiotic. She was discharged home after her procedures but had to be re-hospitalized for extensive treatment for post-operative infection.

The two ob/gyn physicians were sued but then were dismissed out of the lawsuit by the patient's attorneys so that the civil case could go to before the jury with the hospital, as the nurses' employer, the sole remaining defendant.

The jury related the patient's post-operative complications to the hospital's nurses' errors and omissions: the nurses neglected the physicians' group's standing pre-op orders. The Supreme Court of Alabama upheld the jury's verdict.

The ob/gyn's medical group had a contract with the hospital to provide gynecological care and treatment for patients at the hospital on a regular, ongoing basis.

The court believed the nurses should have known that the admitting orders were to be considered in context with the medical group's standing orders. The nurses should have placed a copy of the standing orders in the chart and carried them out.

At a minimum the nurses should have questioned why no antibiotic was mentioned in the handwritten orders as it was the medical group's policy always to have a pre-op antibiotic given. Lloyd Nolan Hosp. v. Durham, \_\_ So. 2d \_\_, 2005 WL 32404 (Ala., January 7, 2005).

***The nursing staff did follow all of the physician's specific admission orders for this particular patient. Those orders did not prescribe a pre-operative antibiotic. There is no dispute about any of that.***

***However, the physician's medical group had previously supplied the hospital with standing orders which were to be followed whenever the hospital admitted any of the group's patients.***

***The medical group's standing orders supplemented the admitting physician's specific orders for the particular patient. The standing orders did require the hospital's nurses to administer a pre-operative antibiotic.***

***At a minimum the nurses should have questioned the admitting physician for clarification why his specific orders did not contain an order for the usual pre-operative antibiotic.***

***The jury was correct. Failure of the nurses to take the physicians' medical group's standing orders into consideration is below the legal standard of care for nursing practice.***

SUPREME COURT OF ALABAMA  
January 7, 2005

## Pap Smear Report Not In Chart: Suit Faults Nurse For Patient's Death.

The patient had her regular pap smear at an outpatient ob/gyn clinic. It showed a high grade squamous intraepithelial lesion with moderate to severe dysplasia. A nurse wrote in the chart that there was a letter concerning the pap smear but did not place a copy of the letter in the chart.

The patient continued to visit the clinic with ongoing gynecological problems. Thirteen months after the pap smear a new pap smear revealed severe dysplasia CIN3 with HPV associated cellular changes, suggesting the need for colonoscopy and biopsy.

The same nurse again noted there was a letter regarding the pap smear but did not put a copy of the letter in the chart.

Eight months later the patient was diagnosed with cervical cancer and died less than a year after that.

***This case will be certified to the Supreme Court of Georgia for a ruling on the statute of limitations issue.***

UNITED STATES COURT OF APPEALS  
ELEVENTH CIRCUIT  
December 30, 2004

The patient's probate administrator sued the clinic for the nurse's negligence. The court has not yet passed judgment on the allegations of nursing negligence.

During the time frame in question, while the patient was receiving ongoing treatment, the clinic was acquired as a Federal healthcare facility. A Federal facility can only be sued in Federal court. However, the US Circuit Court of Appeals, as a Federal court, must obtain a ruling from the highest state court, rather than making its own decision how to interpret the state's statute of limitations in light of the complex facts in this case. Simmons v. Sonvika, \_\_ F. 3d \_\_, 2004 WL 3015741 (11th Cir., December 30, 2004).