

## Intoxicated Employee Can Be Sent Home: Court Says Employer Is Not Responsible For Auto Accident.

**A** radiology technician came to work high on cocaine. She consumed additional cocaine on the job and became "conspicuously intoxicated and incapable of performing her work duties," according to the court, and was sent home by her supervisor. On the way home she drove across the centerline due to her intoxication, struck another vehicle, and seriously injured the other driver.

***If the employer has not furnished the intoxicants, e.g.s alcohol served at an office party, the employee is responsible for becoming intoxicated. The employer is not liable for injuries caused by an employee leaving or being sent home from work intoxicated.***

***The court rejected the argument that an employer must keep an intoxicated employee at the place of employment for as long as the employee is in an intoxicated state.***

COURT OF APPEALS OF ARIZONA, 1996.

The other driver's personal injury lawsuit against the hospital was thrown out by the Court of Appeals of Arizona. Taking it for granted the supervisor knew the employee was intoxicated and should not drive, an employer still is not responsible for an employee's behavior after she is sent home for being intoxicated on the job, the court said. ***Riddle vs. Arizona Oncology Services, Inc.***, 924 P. 2d 468 (Ariz. App., 1996).

## Pressure Sores: Hospital's Physicians And Nurses Faulted For Patient's Care.

***The points in the court's ruling relating specifically to the nurses included:***

***The patient should have been turned in bed every one to two hours, whether or not the patient wished to be compliant with his turning schedule.***

***The patient was permitted to smoke, despite repeated warnings. Smoking inhibits healing of pressure sores. Patients with pressure sores should not smoke.***

***The nurses were responsible for compliance with his protein-supplement drinks.***

***Perineal cleansing and drying were not adequate. A perirectal abscess developed and spread bacteria to the pressure sores. A staph UTI that showed up just after admission also spread to the pressure sores.***

***A court can hold nursing and medical caregivers liable to a patient in a civil lawsuit for professional negligence for caregivers' acts or omissions which fail to meet the requisite standard of care, if there is a cause-and-effect relationship between those acts or omissions and harm suffered by the patient.***

UNITED STATES DISTRICT COURT,  
MISSOURI, 1996.

**A** patient who was paralyzed from the waist down from an old auto accident developed pressure sores on a long automobile trip without the special cushion he was supposed to use.

Upon admission to the hospital for grade I to III pressure sores on both buttocks, he admitted to a psychologist that the sores were to some degree his own fault. Once he was admitted to the hospital, however, any deficiency in his care was clearly the fault of the medical and nursing personnel who cared for him, in the judgment of the U.S. District Court for the Eastern District of Missouri. His pressure sores expanded, became infected and necrotic, osteomyelitis developed, and both legs were finally amputated.

According to the court, close monitoring and frequent debridement of dead and infected tissue, to expose healthy tissue and promote its growth, are the cornerstones of effective medical care for pressure sores. Medical care of infected pressure sores also requires frequent wound cultures, antibiotic sensitivity studies and appropriate antibiotic therapy. This patient's care was sporadic and ineffective.

However, on many occasions when the patient's physicians saw him they were confronted with systemic signs of advanced infection, like high temperature, low blood pressure, sweating, shaking, mental confusion and disorientation. The court said this should have alerted the nurses to call a physician sooner to see the patient.

The court also said the physicians should have prescribed a special bed with a mechanically-inflated mattress, even though the nursing staff complained about the difficulty it added to patient care, instead of the ordinary pillows and foam padding the nurses found easier to use, as the automatic "traveling" inflation of the mechanical air mattress was a far superior means of meeting the patient's needs. ***Wyatt vs. U.S.***, 939 F. Supp. 1402 (E.D. Mo., 1996).