

## Rectal Bleeding: Nurses Not To Blame For Delayed Cancer Diagnosis.

Six months after hospitalization for a total hysterectomy in 1987 the patient was diagnosed with colorectal cancer.

She and her husband sued the hospital, stating that she had complained of rectal bleeding to her nurses and to the surgeon's physician's assistant while she was in the hospital. The patient's deposition was videotaped in 1989. She died in 1992. At trial in 1999 the jury exonerated the nurses and the physician's assistant.

***The nurses had no specific recollection of caring for this patient.***

***Nurses are allowed to testify if it is their routine practice if a patient complains or shows signs of rectal bleeding to chart it and to report it to the attending physician.***

NEW YORK SUPREME COURT,  
APPELLATE DIVISION, 2000.

The New York Supreme Court, Appellate Division, ruled it is proper for nurses to testify it is their routine practice to chart significant information given them by a patient and to see that it is reported to the attending physician.

There was nothing in this patient's chart about complaints or signs of rectal bleeding. That plus the nurses' testimony was enough to convince the jury to side with the nurses. The jury did not believe the patient or her husband reported the rectal bleeding as they claimed.

The nurses and the physician's assistant were not responsible for any delay in treatment of this patient's cancer. Orloski v. McCarthy, 710 N.Y.S.2d 691 (N.Y. App., 2000).

## Cauda Equina Syndrome: Court Says Orthopedic Nurse Should Have Been Alerted By The Patient's Symptoms.

***The patient's lawsuit claimed during the night the orthopedic nurse did not report to the orthopedic resident that the patient had new and worsening symptoms in her lower extremities following a normal nursing neurovascular assessment at the start of the shift.***

***The resident simply ordered more pain medication. Early in the morning two more residents saw the patient, did not understand the situation and gave still more pain medication. Later that morning the surgeon diagnosed cauda equina syndrome and immediately did surgery.***

***The patient lost bowel and bladder control for a time, had a colostomy and had to learn to catheterize herself to urinate.***

***The hospital's own medical expert testified the nurse and the resident each should have done neurovascular exams during the night when they first learned of the patient's new and alarming symptoms.***

COURT OF APPEALS/SUPREME COURT OF  
TENNESSEE, 2000.

Two days after successful surgery for spinal stenosis the patient seemed to be doing fine. At the start of the night shift the orthopedic nurse's neurovascular assessment was normal.

Then at 4:00 a.m. the patient's husband called the nurse because the patient had begun having almost unbearable pain in her lower buttocks and right leg.

According to the Court of Appeals of Tennessee, the nurse should have been concerned because the patient's symptoms were new and progressive and should have interpreted the symptoms as a sign of serious post-operative complications. The nurse did call the second-year orthopedic resident, but she did not report the symptoms as new and progressive, so the resident just ordered more pain medication.

***The Hospital's Medical Expert Helps The Patient's Case***

As its medical expert witness for this case the hospital hired a nationally recognized expert on cauda equina syndrome.

The patient's attorney took the hospital's expert's deposition over the phone. In his deposition the hospital's own expert witness blamed the hospital's nurse and the resident for not appreciating the need for thorough neurovascular reassessment at 4:00 a.m.

Then the hospital videotaped the expert's testimony for possible use at trial. On the videotape he again blamed the hospital's nurse and resident for the situation.

The Court of Appeals of Tennessee ruled the patient's attorneys had the right to use the hospital's medical expert's deposition testimony for the patient's benefit in the lawsuit and overruled the trial judge for not allowing the depositions to go before the jury. The Supreme Court of Tennessee did not overrule the Court of Appeals on this issue. White v. Vanderbilt University, 21 S.W. 3d 215 (Tenn. App., 1999, appeal denied \_\_\_ Tenn. \_\_\_, 2000).