

Patient Restraint Nurse

The patient was admitted to a nursing facility from the hospital to recover from hip surgery.

The referral form from the hospital seemed to reflect conflicting physicians' orders for physical restraints. In one place the referral form required use of a vest restraint prn for confusion, while in another place the referral form indicated a restraint had been ordered at all times.

Faced with what appeared to be conflicting physicians' orders, a nurse phoned the patient's personal doctor and left a message that the nursing facility wanted to know whether or not restraints were needed. The patient was left unrestrained while the staff nurses were waiting to hear back from the patient's doctor. A few hours after the phone call the patient was found injured lying on the floor.

The case was investigated by the state department of health for a possible violation of the state's Vulnerable Adults Act. The state's nursing investigator concluded in a very detailed report that the nursing facility's staff failed to provide adequate care by not restraining the patient.

The resident sued. Her attorneys retained the state's nursing investigator and another nurse as expert witnesses.

However, under state law any plaintiff filing a medical negligence lawsuit within a strict time deadline has to support the lawsuit by providing proper affidavits signed by the plaintiff's expert witnesses. The Court of Appeals of Minnesota said the patient had grounds to sue, but the court dismissed the case because the nursing experts' affidavits did not meet all the state's tough technical requirements, a result the court said was harsh but still mandated by the state's law. [Tousignant v. St. Louis County, Minnesota](#), 602 N.W. 2d 882 (Minn. App., 1999).