

# Patient Restraints Negligence Vest Wrist

**B**ecause of severe brain damage from a construction-site accident, the patient had to be restrained at all times while in his hospital bed.

After he fell to the floor trying to get out of bed, his family sued on his behalf for the aggravation of his existing head injury sustained in this fall.

The Court of Appeals of Texas ruled the family's attorneys had submitted expert witness affidavits that specified the allegations of negligence in sufficient detail for the lawsuit to go forward.

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***The nurses knew this brain-injury patient had a habit of trying to untie his restraints.***

***Precautions were not properly utilized to prevent him from falling while trying to get up out of bed.***

COURT OF APPEALS OF TEXAS, 1999.

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The nursing notes said the patient was securely restrained at 8:20 p.m., ten minutes before he was found on the floor wearing his vest and wrist restraints, but with the restraints not tied to the bed.

The court was suspicious that the nursing notes had been fabricated after the fact. If the patient needed to be restrained, and could untie his restraints that easily, the restraints were not tied properly in the first place so that he could not reach them. Or maybe the patient actually had been left in restraints without being checked for much longer than ten minutes and had too much time to work on freeing himself. **Palcios v. American Transitional Care Centers of Texas, Inc., 4 S.W. 3d 857 (Tex. App., 1999).**