

Family Member Falls: Court Rules Hospital Had Knowledge Of Stool's Tendency To Roll Away.

A family member who accompanied a patient into an examination cubicle in the hospital's emergency department fell backward, struck her head and sustained a cerebral concussion when a rolling physician's stool rolled away as she was attempting to sit on it.

The Court of Appeal of Louisiana upheld the jury's total verdict of \$34,000 for the family member, based on the hospital's negligence, as well as the jury's finding of 50% comparative negligence by the family member, effectively reducing her recovery, and the hospital's exposure, to \$17,000.

Prior Accidents

Incident Reports As Evidence

The court noted there were eight prior accidents in the emergency department virtually identical to this one.

The medical center knew, because of eight previous accidents, that the rolling physicians' stools in the examination cubicles could suddenly roll back when sat upon.

The patient's family member had no reason to suspect she could be injured.

The medical center's legal duty was to lock the wheels and/or to warn patrons not to sit on the stools.

COURT OF APPEAL OF LOUISIANA
October 11, 2006

In the court's opinion that justified opening up the incident reports for the prior incidents to show that the hospital was on notice there was a problem. Prior notice is a legal prerequisite to liability in a premises-liability lawsuit.

Further, the other similar rolling stools in the other examination cubicles had warning labels that patients and visitors were not to sit on them, but not this one, and the department's nurses as a general rule warned people not to sit on the stools, but not this time.

Basically, the hospital was ruled to have had superior knowledge, compared to its patients and visitors, of a potentially dangerous condition which did in fact cause injury. **Bullock v. The Rapides Foundation, __ So. 2d __, 2006 WL 2873217 (La. App., October 11, 2006).**