

Decubitus Ulcers, Sepsis: Court Links Patient's Death To Sub-Standard Nursing Care.

The Court of Appeals of Texas noted the patient was known to have colonized methicillin-resistant Staph aureus when he was admitted to a rehab facility following heart bypass surgery.

According to the court, this bacteria is not uncommon in hospital and nursing-home patients and can exist on healthy skin without causing an infection.

With daily physical therapy he made good progress for three weeks in rehab, but then his condition began to worsen and his physician sent him to the hospital. He had two Stage III decubitus ulcers on his back on admission to the hospital. He died of multi-system organ failure secondary to sepsis and septic shock.

The court upheld the jury's verdict in favor of the family in their lawsuit against the rehab facility for negligence.

Substandard Nursing Care

The patient was on Lasix to decrease fluid load after his heart surgery. Lasix is a diuretic which can contribute to dehydration, which can be especially problematic if the patient develops diarrhea.

Because he had a feeding tube and a urinary catheter, the court believed it would have been relatively easy to monitor input and output accurately. Nurses have a basic responsibility to keep their patients nourished and hydrated and to monitor and document whether their patients are adequately nourished and hydrated.

The patient, with diarrhea, would often soil his bed and ring for a nurse but experience delays while he lay in his own waste. That led to skin breakdown. The family saw ulcers starting on his hips, but the court found no documentation of care being given for the ulcers.

The documentation was also lacking that the patient was being repositioned every two hours, as nursing standards would require for a patient with potential for or actual skin breakdown. HCRA of Texas, Inc. v. Johnston, __ S.W. 3d __, 2005 WL 2897559 (Tex. App., November 3, 2005).

The court accepts the experts' testimony that decubitus ulcers are preventable if the patient is repositioned every two hours. The nursing standard of care requires such repositioning if the patient is unable to reposition himself.

The patient's nutritional status worsened to the point he was classified as malnourished. Muscle tissue then starts wasting to supply the body's nutritional needs, a metabolic state where skin lesions are not going to heal.

The family saw two ulcers on his back.

The hospital records establish that upon admission for his last hospital stay he had two Stage III necrotic decubitus ulcers that were oozing blood.

The fact these lesions were not noted in the rehab facility's records does not dispute their existence. Instead, it tends to establish a high degree of conscious indifference by the rehab facility's nursing staff to the patient's rights despite awareness of an extreme risk of serious harm.

COURT OF APPEALS OF TEXAS
November 3, 2005