

Informed Consent: Case Dismissed, In Part Due To Nurse's Actions.

The US District Court for the Eastern District of Pennsylvania reviewed in detail the factors leading to the court's decision to dismiss a patient's case against a US Veterans Administration Hospital over an allegedly faulty podiatric procedure.

The surgical consent form had been filled out by the physician and had been discussed with the patient two weeks before the operation itself was scheduled.

On the day of surgery, a nurse took the surgical consent form out of the patient's chart and asked the patient which foot and which toe it was on which he was about to have surgery and had him explain to her in his own words what the surgery he was going to have was going to be.

It was clear that his informed consent was obtained beforehand, the court ruled. **Dandy v. U.S.**, 2005 WL 1388019 (E.D. Pa., June 7, 2005).

Skin Care: Patient Dies From Sepsis, Jury Returns Verdict For Nursing Home.

The instructions the judge gave to the jury right before they went out to deliberate were taken directly from the Federal regulations for long term care facilities:

Based upon the comprehensive assessment of a resident the facility must ensure that a resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that they were unavoidable.

Based upon the comprehensive assessment of a resident the facility must ensure that a resident having pressure sores receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.

Assessments must be conducted promptly after a significant change in the resident's physical or mental condition.

Each resident must receive, and the facility must provide, the necessary care and services to attain and maintain the highest practical physical, mental and psychological wellbeing.

SUPREME COURT OF ARKANSAS
March 24, 2005

The eighty-three year-old patient was admitted to a long-term care facility from the hospital where she had been treated for pneumonia, congestive heart failure, insulin-dependent diabetes, renal insufficiency, end-stage Alzheimer's disease, peripheral vascular disease, amputated toes and pressure sores on her coccyx, shoulder and heels.

While at the nursing facility her condition deteriorated. She was afflicted with additional pressure sores and urinary tract infections and lost weight. She went back to the hospital for surgery to debride her pressure sores and then went back to the nursing facility.

Back at the nursing facility she was diagnosed with a yeast infection, confirmed by two blood cultures, went back to the hospital and died as a result of overwhelming sepsis.

The family sued the nursing facility. The jury returned a verdict exonerating the nursing facility from responsibility for substandard care and ruled the nursing home was not liable for wrongful death.

The Supreme Court of Arkansas found technical errors in the trial judge's conduct of the case and ordered a new trial on some of the allegations.

Care Found Adequate

The family doctor testified the patient had serious chronic illnesses when she was admitted to the nursing facility, making it not unlikely her condition would deteriorate even with the best of care.

She had her skin lesions on admission. Throughout her stay many treatments were tried, including Duoderm, Betadine and Saf-Clens, according to the court. Her yeast infection would not necessarily imply poor care. The timing of the appearance of systemic infection made it reasonable to conclude it was related to a central line placed at the hospital, not inadequate skin-lesion care, the court noted. **Koch v. Northport Health Services**, __ S.W. 3d __, 2005 WL 675752 (Ark., March 24, 2005).