

Skin Care: Court Refuses To Blame Nurses, Sees Care As Adequate In All Respects.

The family of a deceased nursing home resident sued the nursing home for negligence leading to skin breakdown leading to amputation of the patient's leg.

Statute of Limitations Had Expired Court Discussed Standard of Care

The Court of Appeal of Louisiana ruled against the family because Louisiana's one-year statute of limitations had expired before the lawsuit was filed.

Nevertheless, the court went on to say there was no violation of the standard of care by the nursing staff. That would have meant dismissal of the family's lawsuit even if it had been filed on time.

Nursing / Medical Documentation Are the Legal Evidence

The evidence showed that the patient was ambulatory when she entered the nursing home and was assessed as able to turn herself in bed.

Her physicians diagnosed and documented renal failure, hypertension and peripheral vascular disease. These are conditions which can predispose a patient to lower extremity skin breakdown.

The court found documentation that the wound-care nurses were seeing to the patient's needs on a regular basis per the physician's orders. The family's attorney's own nursing experts testified they could not fault the wound-care nurses.

A separate sacral skin lesion which started at the nursing home actually healed completely due to the nurses' efforts.

The medical evidence tended to prove the skin lesion on the leg began and progressed because of the patient's peripheral vascular disease and not because of substandard nursing care, the court stated.

There were no physician's orders to turn the patient, so there could be no issue of nursing staff failing to carry out such orders. In skin-care cases, the court noted in passing, failure to document frequent turning is an all too common legal liability issue. **Alexander v. Amelia Manor Nursing Home, Inc.**, ___ So. 2d ___, 2006 WL 472289 (La. App., March 1, 2006).

The family's lawsuit was filed one day less than one year after the patient died in the nursing home.

However, the family's lawsuit directly takes issue with the amputation of the patient's leg, which occurred fourteen months before the patient died.

The lawsuit claimed that substandard care for the patient's skin-integrity issues led to bedsores which progressed to serious lesions which necessitated the amputation.

The negligence alleged in the lawsuit had to have occurred before the leg was amputated, which was outside the time limit for the statute of limitations by the time the lawsuit was filed.

The court must dismiss any lawsuit if the statute of limitations has expired, even if the statute of limitations imposes a harsh penalty on persons who have waited too long to file an otherwise valid suit.

However, there was no negligence by the nursing staff at this nursing home, though technically that is not the basis for the court's ruling.

COURT OF APPEAL OF LOUISIANA
March 1, 2006