

Fall During Transfer: Court Faults Nurse.

The patient came to the outpatient clinic for a lithotripsy procedure to dissolve her kidney stones.

The nurse had her change into a hospital gown and lie on a stretcher. The nurse started an IV line in her left hand.

After speaking with the anesthesiologist the patient rejected anesthesia but still wanted to go ahead.

When she was wheeled into the treatment room they tried to lift her bodily off the side of the stretcher but with her kidney stones and with no anesthesia that was too painful. She would have to try to transfer herself. The nurse had her scoot toward the foot of the stretcher, but the nurse did not stand by at the foot of the stretcher when she tried to stand. The patient fell and broke her wrist.

Testimony from an expert witness is proper when the average jury member would not be familiar with the situation and it would assist the average jury member to decide the disputed factual issues in the case.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
October 14, 2005

The Superior Court of New Jersey, Appellate Division, ruled the patient did have the right to sue for the nurse's negligence in not standing by to assist her.

The Appellate Division ruled that the jury's verdict not in the patient's favor in the lower court was in error because the judge refused to allow the patient's nursing expert witness to testify, the judge believing that lay persons are fully competent to judge a nurse's actions in this situation without having to hear expert testimony on the standard of care. **Martin v. Lithotripsy Treatment Group, 2005 WL 2585487 (N.J. Super., October 14, 2005).**