

Transfer Of Rehab Patient, Wheelchair To Commode: Court Finds Negligence.

The patient weighed 450 pounds and had just had partial knee-replacement surgery. The non-operative leg had been surgically fused at the knee nine years earlier.

The nurses were negligent in two important respects.

First, they did not employ their skill and knowledge in providing an assessment that rehabilitation nurses would usually do in the same or similar circumstances.

Second, in transferring him from his wheelchair to a bedside commode the nurses did not employ the degree of care and caution that was necessary for a man in his condition.

The patient's nursing expert witness, in addition to identifying these departures from the legal standard of care for nurses, was allowed to testify the nurses caused the injury to the patient. The court allowed this over objections that nurses generally are not allowed to testify about medical causation of the injuries arising from nursing negligence.

MISSOURI COURT OF APPEALS
August 20, 2002

The Missouri Court of Appeals went into great detail in a recent opinion to show how the patient's rehab nurses were negligent and why a \$122,000 jury verdict in his favor was appropriate.

The patient was transferred to the rehab unit at the hospital one day after partial knee-replacement surgery.

The transfer orders indicated the patient was able to transfer without assistance from his bed to a chair but not from a sitting to a standing position.

450 Pounds / Fused Knee

The patient was heavy and had had the other knee fused nine years earlier because of degenerative arthritis.

The court believed it should have been apparent to a trained rehab nurse that rising to the standing position on his own would have to be accomplished by placing excessive pressure on the operative leg.

Standing With Walker

Instead of assembling a four-person lift team to lift the patient, two rehab nurses stood by and encouraged him to stand on his own. The plan was for him to lean on a walker while the commode was put in place.

The court agreed with the patient's nursing expert witness that the nursing assessment of the patient was faulty as well as the plan to encourage him to stand rather than offering substantial assistance.

Nurse as Expert on Medical Causation

As a general rule a nurse can testify as an expert witness on the nursing standard of care but cannot testify as a medical expert linking a breach of the nursing standard of care to medical complications suffered by the patient.

In this case, however, the court permitted the nursing expert to testify that the nurses' negligence caused the injury to the patient. She did not get into the precise mechanics of dehiscence of a surgical wound. ***Echard v. Barnes-Jewish Hospital***, __ S.W. 3d __, 2002 WL 1902103 (Mo. App., August 20, 2002).