

Faulty Transfer: Patient's Suit Dismissed.

The seventy-three year-old patient was admitted to an extended care facility after surgical revision of her total-hip replacement.

A Minimum Data Set was prepared upon admission. Her assessment indicated, among other things, that she was totally dependent on staff assistance and required two persons to transfer her.

While one nursing assistant alone was transferring her from her wheelchair to her bed in violation of her treatment plan, a cracking noise was heard that was later identified as a femur fracture.

The Court of Appeals of Texas dismissed her lawsuit against the nursing facility. To succeed with a negligence lawsuit like this a patient needs expert testimony proving precisely how a one-person transfer caused an injury which would not have occurred with a two-person transfer. A bad outcome, in and of itself, does not prove a patient's caregivers committed negligence. **Meyers v. Golden Palms Retirement & Health Center, Inc., 2007 WL 1500819 (Tex. App., May 24, 2007).**