

Transfer Delayed: Nurses Should Have Notified The Physician.

The forty-nine year-old patient collapsed suddenly at home and was taken to the emergency room at a local community hospital.

At the community hospital he was promptly seen by a neurologist and a CT scan was obtained. The CT revealed he had a ruptured aneurysm of the middle cerebral artery.

The neurologist determined that his condition mandated transfer to an urban tertiary care facility. The neurologist's plan to transfer him was based on a core assumption that the patient could and would be sent immediately.

However, the emergency room nursing staff was informed by the tertiary care facility that a bed was not presently available. Four hours went by before the patient was sent.

At the tertiary care facility a repeat CT scan showed the ruptured aneurysm had continued bleeding into the brain, leading to brainstem herniation, brain death and, finally, withdrawal of life support.

Nurses Should Have Reported Delay in Transfer

The widow's lawsuit filed in the Supreme Court, Nassau County, New York, resulted in a settlement of \$450,000 during jury deliberations, reportedly right after the jury foreperson asked the judge for a read-back of the transcript of the nurses' trial testimony to clarify the facts.

The widow's lawyers' closing argument to the jury put forward the plaintiff's theory of the case. The patient's nurses should have realized that immediate transfer was necessary and that the neurologist's order was based on the assumption that transfer could and would happen immediately.

As soon as the nurses found out otherwise they had a responsibility then and there to report back to the physician. **Bell v. Burstein, 2008 WL 5575011 (Sup. Ct. Nassau Co., New York, November 7, 2008).**