

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Transient Ischemic Attacks: Court Faults Nurses, Did Not Report To Physician.

The deceased was a resident at the long-term care center from 1990 until her death from a stroke in March, 1999. In July, 1998 she began showing signs of transient ischemic attacks during which she would be confused and unable to verbalize.

TIA's Charted, No Follow-Up

These episodes were described at regular intervals in the nursing progress notes in her chart. However, the nurses did not notify the physician of this major change in the patient's health status or take steps to refer her for a neurological work-up.

One day in March, 1999 the staff discovered she was having difficulty talking and was crying. The staff reported this to the nurse on duty. As they had been doing, the nurse charted that her speech was slurred, her face was drooping on the left, her left eye was closed and she was anxious and crying. There was no other immediate response by the nurse.

A nurse finally did call a physician at 4:30 a.m. the next morning. He told the nurse to wait for her own physician to see her. He was called at 8:00 a.m., came in at 9:00 a.m. and diagnosed that a cerebrovascular accident had just occurred. He sent her to the hospital where she died two weeks later.



Transient ischemic attacks are regarded as the early warning system for a stroke. Statistical studies have shown that about one-third of patients with transient ischemic attacks will have a permanent stroke, usually within a matter of months.

Ideally treatment is most effective before the permanent stroke occurs.

SUPREME COURT OF WYOMING
August 1, 2003

Transient Ischemic Attacks

Aggressive Medical Intervention

The family sued the long-term care facility, both physicians and two staff nurses. The Supreme Court of Wyoming faulted the care they gave and faulted the local judge for dismissing the family's lawsuit against them. A civil jury in the local county court will decide if neglecting medical follow-up of the patient's transient ischemic attacks, likely a result of cerebral arterial vasospasm, contributed to some degree to the full-blown cerebrovascular accident from which she died.

The court ruled a nurse's legal standard of care is not just to notice and chart signs of transient ischemic episodes. The nurse must report such episodes to a physician. Beyond that the court would have liked to have seen the nurses independently taking steps to get a full neurological work-up.

The court ruled it is not necessary to prove conclusively that follow-up would have prevented a stroke in a patient having transient ischemic episodes. It is only necessary to prove that the patient lost some percentage chance of avoiding a stroke, for a lawsuit to succeed. **McMackin v. Johnson County Healthcare Center, 2003 WY 91 (Wyo., August 1, 2003).**

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