

Bed Trapeze Collapse: Court Faults Nurse, Ortho Tech.

The patient was injured when the orthopedic trapeze above his bed suddenly came apart as the was trying to lift himself up in bed.

The patient sued the hospital alleging the nurse and orthopedic technician were negligent who assembled the trapeze pursuant to his physician's orders.

The Court of Appeals of Texas hinted that the patient probably had what would be considered a good case of negligence against the hospital. However, that was not the end of the legal analysis.

Under state law in Texas, as in many other jurisdictions, a lawsuit filed in court for professional negligence against a healthcare professional or institution must be accompanied by an expert witness's report detailing the pertinent standard of care, departure from the standard of care and a cause-and-effect link from that to harm suffered by the patient. An expert's report was missing in this case. **Espinosa v. Baptist Health System, 2006 WL 2871262 (Tex. App., October 11, 2006).**