

Re-infusion Of Patient's Blood: Jehovah's Witness Can Sue.

The patient, a Jehovah's Witness, made it clear to his surgeon he could not, as a matter of religious belief, have a blood transfusion under any circumstances, even his own blood.

During the knee arthroplasty the surgeon elected to use a Gish Orthoinfuser to collect blood from the surgical site, a medical device that can be used to collect the patient's own blood for autologous re-infusion. The surgeon told the nurse anesthetist, who allegedly told the post-anesthesia recovery nurses, that the patient nevertheless was not to have a re-infusion.

The recovery nurses, according to the Supreme Court of Iowa, simply assumed from the use of the Gish Orthoinfuser they were to re-infuse his blood and did not read the chart. The court ruled the patient could sue for negligence and did not need a medical expert witness. Campbell v. Delbridge, __ N.W. 2d __, 2003 WL 22299473 (Iowa, October 8, 2003).

Confession To Nurse: Criminal Conviction Stands.

A high-speed police chase ended with the bank-robbery suspect's car being crashed intentionally by two police cruisers and the suspect being attacked and bitten by a police dog. The suspect was taken to the hospital.

The suspect bragged to the emergency room nurse that he had just robbed a bank.

The Court of Appeals of Washington, in an unpublished opinion, ruled the nurse's testimony was admissible in court to convict him, along with evidence from a search warrant on his home and an accomplice's statement who was caught with the money in her possession.

While in the hospital being treated the suspect was in police custody. He had been read his Miranda rights and voluntarily made a statement which he had been warned could be held against him in a court of law. State v. Skylstad, 2003 WL 22293605 (Wash. App., October 7, 2003).

Surgery On Wrong Hand: Court Rules Nurse Had Legal Duty To Bring Error To Surgeon's Attention.

The patient had been diagnosed with carpal tunnel in both hands.

However, because she was at the time asymptomatic on the left side it was the surgeon's intent only to do the release procedure on her right hand.

When all the preparations seemed to be for surgery on her left hand the patient questioned the nurse.

The nurse looked at the preoperative records and the surgical consent form in her chart. All the paperwork indicated the operation was supposed to be on her left hand.

The procedure went forward erroneously on the patient's left hand. She sued for negligence. The New York Supreme Court, Appellate Division, ruled she had grounds to sue the hospital for nursing negligence separate and apart from her medical malpractice

The patient told the nurse she thought her carpal tunnel surgery was supposed to be on her right hand, not her left.

When a patient questions a nurse about a possible mix-up in a medical procedure that is to be done, the nurse must thoroughly investigate that possibility.

At a minimum the nurse must review the chart and talk to the physician.

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claim against the surgeon.

A nurse has a legal duty to investigate in this situation, the court ruled. The nurse must review the chart with an open mind to the possibility the preoperative paperwork could be wrong if it is at odds with the patient's understanding of what is to be done.

If the paperwork in the chart does not match what the patient is saying the nurse should contact the physician and explain the problem.

The nurse should also be absolutely sure that the nurse's efforts to contact the physician and whether or not the physician actually spoke with the patient before going ahead are written down in the patient's chart. Muskopk v. Maron, __ N.Y.S.2d __, 2003 WL 22257518 (N.Y. App., October 2, 2003).