

Labor And Delivery: Nurses Did Not Report Abnormal Monitor Tracings To The Physician.

The patient, an insulin-dependent diabetic, went to see her ob/gyn at thirty-six weeks because she had not felt any fetal movement for two days. She was admitted to the hospital two days later.

When the patient's ob/gyn came into the patient's room the nurse held up the monitor strip as if to signal to him there was a problem which required his immediate attention.

The nurse testified later she did not want to say anything in front of the mother that might alarm her and did not want to leave her patient to go out in the hallway to talk to the physician.

The physician did not understand what was going on, left the room and went to see his other patients.

COURT OF APPEAL OF LOUISIANA
December 22, 2009

For more than an hour a number of different nurses caring for the mother saw problems with the monitor tracings, but the physician was never notified what was going on.

The start of the cesarean was delayed several hours and the infant was delivered with brain damage and cerebral palsy.

The Court of Appeal of Louisiana approved a jury verdict in favor of the infant and family, apportioned 80% against the hospital for nursing negligence and 20% against the patient's obstetrician for medical malpractice. Johnson v. Morehouse Gen. Hosp., __ So. 3d __, 2009 WL 4912390 (La. App., December 22, 2009).

Medication Noncompliance: Psychiatric Nurse Practitioner's Negligence Leads To Attack On Clinic Worker.

The patient was discharged from the state hospital into the care of a psychiatric registered nurse advanced practitioner at an outpatient community mental health clinic for management of her anti-psychotic medication.

The patient had been sent to the state hospital for involuntary treatment after she doused an H&R Block tax preparer with gasoline and attempted to light him on fire, then attacked a police officer.

The nurse practitioner lowered her medication dosage after the patient complained it made her feel drowsy in the morning.

Then the patient went off her medication entirely and accosted, slashed and stabbed an employee at another community clinic where she was scheduled for a dental appointment, apparently thinking she was a woman who was stalking her.

The victim's lawsuit filed in the Superior Court, King County, Washington resulted in a \$5.5 million settlement from the state agency which employed the nurse practitioner.

Nurse Practitioner Failed to Investigate Her Patient's History of Violence

The nurse practitioner never looked into the reason her patient was committed to the state hospital in the first place.

If the nurse practitioner had looked into her patient's background, it was alleged, she would have realized that medication non-compliance posed a serious risk of violence to other persons.

Concern over her patient's potential for violence should have led, in turn, to use of depot medication injection to insure medication compliance and to close watch for the onset of psychotic symptoms pointing toward re-institutionalization on grounds of danger to others. Dowe v. Community Psychiatric, 2009 WL 5715461 (Sup. Ct. King Co., Washington, September 21, 2009).

Bed Rail Entrapment: Settlement Paid For Resident's Death.

The settlement of the case filed in the Superior Court, Wake County, North Carolina was reported on condition that the names of the patient, nursing facility, medical director, medical equipment supplier and manufacturer remain confidential.

The settlement was \$1,635,000 for the family of a sixty-one year-old Alzheimer's patient who died from positional asphyxia after his head was caught in the bed rails of an obsolete hospital bed model which had been recalled by the manufacturer several years earlier for the very same entrapment hazard.

This was an older-style hospital bed which had been recalled by the manufacturer because the bed rails presented an entrapment hazard.

The first time the resident's head was caught in the bed rails staff did nothing. The second time he was strangled and died.

SUPERIOR COURT
WAKE COUNTY, NORTH CAROLINA
September 1, 2009

The facility staff did nothing the first time the resident's head got caught in the bed rails. The resident was not injured but the incident did put staff on notice of a potentially fatal entrapment hazard.

It was not clear how or why the medical supply company filled the order specifically for this resident with a make and model hospital bed known in the industry to have been recalled several years earlier and whether the supplier or the manufacturer was responsible for the fact it was still in stock. Confidential v. Confidential, 2009 WL 5766598 (Sup. Ct. Wake Co., North Carolina, September 1, 2009).