

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Abuse Reporting: Court Reviews Nurse's Legal Obligation As A Mandatory Reporter.

An elderly resident of an adult family home who suffered from Parkinson's disease, dementia and hypertension died from morphine intoxication.

Morphine was not prescribed for her. Her death was ruled a homicide.

An RN was employed by an agency which provided nursing services in the facility. The RN was not the resident's nurse. An LPN from the same agency cared for the resident.

Another resident of the facility told the RN that the resident in question was being given morphine by a non-licensed staff member. The other resident said she saw two purple morphine tablets in a cup next to the resident's bed and said that the resident seemed to be sedated all the time to the point she could not wake up or eat.

When she checked the medication administration record the RN found out that the resident in question, in fact, was not prescribed morphine.

Immediately the RN phoned the state Department of Social and Health Services. It took more than an hour to get past the busy signal and actually speak with someone.

The RN reported that what she was told came second-hand from a resident whom she did not consider a reliable source, who was on morphine herself and had a history of drug abuse.



***A nurse is a mandatory reporter of abuse or neglect of a vulnerable adult patient.***

***When there is reasonable cause to believe that abuse, neglect, assault or exploitation has occurred, a mandatory reporter must report immediately to the Department of Social and Health Services and to the appropriate law enforcement agency.***

COURT OF APPEALS OF WASHINGTON  
February 17, 2015

The RN's only direct observation to report was the barely conscious resident having to be manually taken to the bathroom to be cleansed, which could have been due to heavy sedation, or her medical condition.

The RN did not contact a law enforcement agency.

The Court of Appeals of Washington dismissed the RN from the civil wrongful death lawsuit filed by the family. The RN had done more than what was required of her by law.

### **Second-Hand Information From Unreliable Source**

The Court focused on the phrase *reasonable cause to believe* in the state's mandatory reporting law.

The Court ruled the other resident's second-hand information did not establish reasonable cause for the RN to believe a report of abuse was required to the Department or to law enforcement. The RN was justified not to consider the other resident a reliable source, even though her information was true.

The obtunded mental status that the RN herself had observed was not inconsistent with the resident's medical diagnoses and did not provide the RN with reasonable cause to believe that the resident was a victim of abuse. ***Kim v. Lakeside***, \_\_ P. 3d \_\_, 2015 WL 667998 (Wash. App., February 17, 2015).

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