

## Cerebral Aneurysm: Lawsuit Faults E.R. Personnel.

The patient went to a retail optometry store to complain that she had been feeling something in her eye for three days. They sent her to the hospital E.R. The E.R. triage nurse checked the patient's visual acuity, finding 20/200 vision in that eye and 20/30 in the other.

The nurse had the patient seen by a second-year ophthalmology resident from the hospital's outpatient vision clinic. He carefully examined the structure of the affected eye, found nothing wrong and sent the patient home with eye drops.

The patient came back the next day and saw an ophthalmologist. He got a CT and sent the patient home with an appointment to come back and see a neurologist.

She collapsed and died at home from a ruptured cerebral aneurysm before the CT was read at the hospital. The jury in the Supreme Court, Kings County, New York awarded \$2.15 million for negligence by the E.R. personnel who failed to bring in a neurologist right away. Collazo v. NY Eye and Ear Infirmary, 2009 WL 1199357 (Sup. Ct. Kings Co. New York, March 18, 2009).

## Contraindicated Use: Lawsuit Faults Surgical Staff.

The patient developed partial paralysis as a complication of spinal surgery.

Her condition was traced to the surgeon's injection of methylene blue into her spine as a stain to locate the site of a spinal fluid leak, a contraindicated use of that particular substance.

A pharmaceutical vendor's people reportedly removed the vials from shipment boxes and stocked them in the surgery supply case, throwing away the package inserts in the process.

The jury in the Circuit Court, Miami-Dade County, Florida assigned 18% of the \$38 million verdict to the hospital. Most of the blame for the patient's injury was assigned to the surgeon and the pharmaceutical vendor.

The partial verdict against the hospital was based on the argument that hospital surgical personnel have an independent duty to investigate, understand and communicate to the surgeon pertinent contraindications of substances used in the operating room. Slavin v. Mount Sinai Med. Ctr., 2009 WL 1199242 (Cir. Ct. Miami-Dade Co. Florida, March 16, 2009).

## Sedated Patient Scalded In Shower: Court Finds Evidence Of Negligence By Obstetric Nurse.

The patient was admitted to the hospital for nausea and other problems associated with her pregnancy.

She had been a diabetic since childhood and had some degree of neuropathy in her lower extremities.

Her nurse gave her Phenergan and Reglan IV per her physician's orders. Either medication alone can cause drowsiness, even stupor when given together.

The nurse insisted the patient take a shower. She escorted her to the shower stall, put her on a shower chair with a back, turned on the water and placed the hand-held nozzle in the patient's hand. Then the nurse left her alone.

The patient fell asleep with scalding water running on her upper thigh until the nurse returned to check on her over an hour later.

***The patient's nurse knew that the patient was diabetic and had neuropathy in her lower extremities.***

***That is, the patient sometimes could not feel heat or pain in her legs.***

***The patient's nurse also knew that the patient was on Phenergan and Reglan, having given her the meds herself, and knew that these meds can cause, and in this particular patient were causing drowsiness.***

COURT OF APPEALS OF GEORGIA  
May 5, 2009

The Court of Appeals of Georgia ruled there were grounds to sue.

The patient's lawsuit had been dismissed by the lower court on the grounds that the patient's nursing expert was not qualified to testify in a malpractice case.

The Court of Appeals pointed out that the patient's nursing expert was a licensed RN who had been working in obstetrics full time four of the previous five years and served as adjunct faculty at two nursing schools. She was qualified to testify as an expert.

Even without an expert opinion the nurse's negligence seemed clear.

The Court of Appeals also faulted the hospital for not installing a device to regulate the temperature of the water going to patients' showers. Lee v. Phoebe Putney Mem. Hosp., \_\_ S.E. 2d \_\_, 2009 WL 1199450 (Ga. App., May 5, 2009).