

LEGAL EAGLE EYE NEWSLETTER

January 2000

For the Nursing Profession

Volume 8 Number 1

Asphyxiation Death: Court Says A Family Member Should Not Have Fed The Patient.

The granddaughter who was the administrator of her grandfather's probate estate filed suit on behalf of the family against the skilled nursing facility where he died from asphyxiation shortly after his wife tried to feed him.

The lawsuit alleged it was negligent for the facility to permit an untrained individual to attempt to feed a skilled nursing patient who had been assessed by the nursing staff as incapable of feeding himself.

The Supreme Court of Alabama agreed the family had the right to sue for negligence and upheld the jury's verdict of \$750,000 rendered in a lower court in their favor.

The court accepted the testimony of a registered nurse who was also a CNA and a licensed nursing home administrator. She was qualified as an expert on the legal standard of care.

She testified that in a nursing home setting, when a CNA brings a meal tray to the room of a patient who must be fed, the CNA should feed the resident, note how much was eaten so that it can be charted, and then remove the tray from the room. The tray should never be left in the room.

Certified nursing staff, unlike family members, have been taught to appreciate the danger of asphyxiation.



A skilled nursing patient who has been identified as unable to feed himself or herself should only be fed by a qualified individual who has been trained in the Heimlich maneuver and knows CPR.

To prevent a family member from feeding the patient, a meal tray should not be left in the room once a trained person has fed the patient and noted how much was eaten.

SUPREME COURT OF ALABAMA, 1999.

Certified staff have been trained in the Heimlich maneuver and know CPR. According to the expert testimony accepted by the court, a CNA can suction or quickly summon a nurse to suction the trachea of a patient who is choking.

Nursing home staff have been trained to call or to have someone call 911 immediately when a resident's medical emergency cannot be quickly resolved.

The court pointed out that life-threatening emergencies must be anticipated. A nursing home patient who is restrained should not have multiple forms of restraint in place at the same time. A resident in restraint must be checked at least every thirty minutes by a certified staff member, and a nurse should assess the patient and inspect the restraint at least every two hours.

The court had praise for family members who visit and help with a nursing home resident's activities of daily living, but the court still ruled it is not appropriate for an untrained person to feed an unattended patient who is incapable of self-feeding. It is also inappropriate and potentially negligent for food on or off a meal tray to be left unattended in such a patient's room, the court said. ***Crowne Investments, Inc. v. Reid, 740 So. 2d 400 (Ala., 1999).***

Inside this month's issue ...

January 2000

[New Subscriptions](#)

Page 3

Patient Suicide/Close Supervision - Nursing Home/Geri Chair/Fall
Dementia Patient Wanders/Drowning/Punitive Damages
CDC/Polio Vaccines/IPV/OPV - Urine Drug Screen/Discrimination
Employee Handbooks/Nurses Fired - Medicare Fraud/Nurse Fired
Home Health Nurse/Blood Cultures - Mismatched Hip Replacement
Sponges Left After Episiotomy - IV Catheter Fragment Left In Arm
HMO Denies Pediatric Nurse Home Visit/Infant Dies
Nursing Home Resident/Unexplained Bruises/Mistreatment/Abuse