

Aspiration: Nurses Not At Fault, Followed Physician’s Orders.

The patient’s physician wrote orders for the patient to be started on clear liquids immediately following her hip surgery, and, when she no longer experienced nausea, for the nursing staff to advance her to a diet of pureed foods.

The nurses kept the patient on a clear liquid diet for two days, then started her on pureed foods. She required assistance to eat and was given assistance by a certified nurses aide.

The morning after the day she began getting and tolerating pureed foods she went into cardiopulmonary arrest from aspirating the scrambled eggs she was being fed by her aide.

The code team revived her, but she had sustained brain damage and died one week later.

The Court of Appeals of Georgia ruled the nurses and the aide were not at fault.

Scrambled Eggs Are Considered “Pureed Food”

The court pointed out that, at least in the State of Georgia, there are published standards for hospital dieticians which expressly include scrambled eggs within the definition of “pureed” foods.

Nurses Followed Physician’s Orders

The court also pointed out the nurses strictly adhered to the physician’s orders. When the patient no longer experienced nausea with clear liquids the nurses advanced her diet as tolerated. She was tolerating pureed foods the day before, so pureed food was continued the next day in the form of scrambled eggs.

There was no requirement, the court said, for the nurses to second-guess the physician’s routine orders and obtain a swallowing test before advancing the patient’s diet. That was not within the nursing legal standard of care. **Morton v. Wellstar Health System**, __ S.E. 2d __, 2007 WL 3025845 (Ga. App., October 18, 2007).