

# LEGAL EAGLE EYE NEWSLETTER

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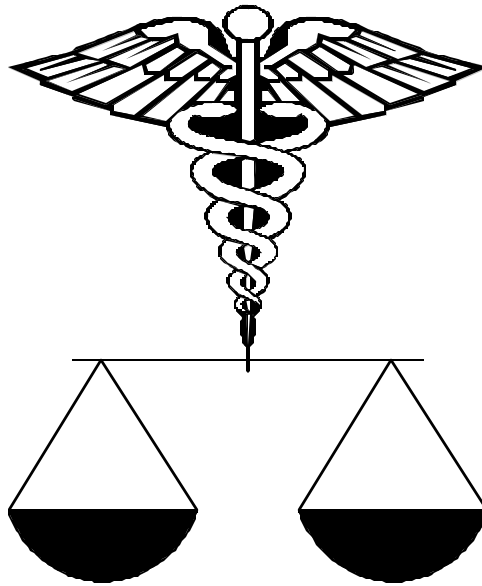
## Patient Falls In Bathroom: Court Says Patient Can Sue Hospital For Negligence.

**T**he seventy-two year old patient had been in the hospital for seven days following hip surgery. She was showered by a nurse in the bathroom of her private hospital room earlier in the day.

The District Court of Appeal of Florida detailed the procedure a nurse should follow for showering a patient. The patient is transferred to a special shower chair and wheeled into the bathroom. While the patient is being showered, the nurse places a bath blanket on the floor to keep the floor dry.

When the patient has been showered and dried, the patient is wheeled out of the bathroom and transferred out of the shower chair back into bed or into a chair or wheelchair. Once the patient is secure, the nurse is to go back into the patient's bathroom to clean up any water remaining on the floor outside the shower area, the court said.

In this case, the patient was known by the nursing staff to waken six or seven times during the night with an urgent need to get up and go to the bathroom to urinate. The court accepted the patient's testimony that on the night in question the patient awoke, felt the urgent need to urinate, and rang her call bell. When no one responded to her call bell, she got out of bed by herself and



***The patient had been getting up six or seven times a night. The bathroom floor was wet. She fell and broke her femur.***

***The patient had been showered earlier that day. Nurses had checked on the patient twice each shift, but there was nothing in the nursing notes that the bathroom floor had been wiped or inspected.***

DISTRICT COURT OF APPEAL OF FLORIDA,  
1997.

used her walker to get to the bathroom. She placed the walker beside the toilet while she urinated. She arose, took a step toward the walker, fell and fractured her femur, because the floor was still wet from her shower.

In the patient's civil lawsuit against the hospital, the trial judge exercised his prerogative to dismiss the lawsuit without submitting the issues to a jury for deliberation. The District Court of Appeal held the trial judge guilty of legal error, as it felt there were valid grounds for a civil lawsuit against the hospital.

In general the court stated a hospital is legally bound to exercise toward a patient such reasonable care as the patient's known condition may require, the degree of care being proportional to the patient's known physical and mental impairments.

Applying this general statement to this case, the court ruled it was the nurse's responsibility, given the patient's unsteadiness on her feet and her propensity to get up to the bathroom unassisted at night when she felt an urgency to urinate, to ascertain that the water had been wiped up from the bathroom floor after her shower, and to document it in the nursing notes. ***Pivar vs. Baptist Hospital of Miami, Inc., 699 So. 2d 273 (Fla. App., 1997).***

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