

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Cauda Equina Syndrome: Thorough Nursing Documentation Means Lawsuit Dismissed.

The patient had complained of low back pain at dozens of medical visits over a ten year span.

He was seen again in the outpatient clinic with a complaint of low back pain which he said flared up right after he painted his patio furniture.

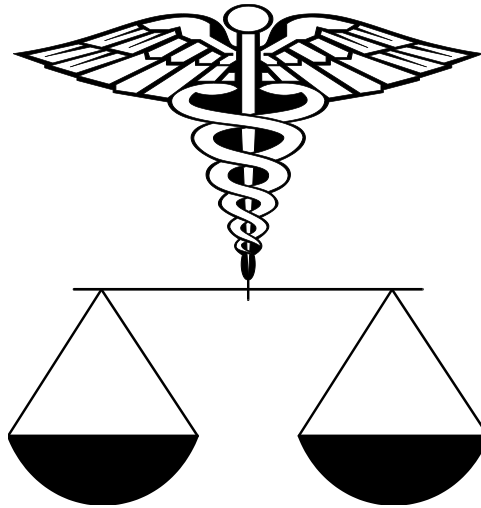
The nurse and physician who saw him carefully noted his complaint of low back pain and made no mention of urinary incontinence or sensory loss.

Two days later he went to the emergency room. The triage nurse and the physician there noted again his complaint of low back pain but did not note any red-flag signs or symptoms like inability to urinate or sensory loss pointing to a neurologic problem.

The next day the patient phoned the hospital's telephone triage line and spoke with a registered nurse. This time he told the nurse he could not control his bladder and had just urinated on himself and had lost feeling in his legs.

The telephone triage nurse told him to get to the emergency room immediately. The nurse documented in her record the patient's loss of urinary control and loss of sensation in his legs as new problems.

Less than two hours later nursing triage notes in the emergency department identified urinary incontinence and sensory loss as new problems.



Urinary incontinence and lower extremity sensory loss were recorded as new problems by the telephone triage nurse about an hour before the patient went to the ER.

Those problems would have been in the doctors' and nurses' notes if the patient had actually reported them days earlier as he claimed.

UNITED STATES DISTRICT COURT
NEW YORK
April 17, 2017

Court Finds No Negligence

The patient's suit alleged his surgery was delayed more than two days by his caregivers' inattention to red-flag signs and symptoms of cauda equina syndrome, a neurologic emergency, that he claimed he reported to his caregivers at his clinic appointment and his first emergency department visit.

However, the US District Court for the Western District of New York attributed his testimony to faulty memory, found no negligence, awarded no damages and dismissed his case even though he is now in a wheelchair and has no bowel or bladder control.

The thoroughness of the nursing and medical documentation convinced the Court that the patient reported no red-flag signs or symptoms of cauda equina syndrome that the nurses or physicians failed to appreciate and document in the chart prior to the phone call to the hospital's telephone triage nurse.

The Court's only criticism, which did not negate the result, was that the clinic nurses and the nurses in the emergency department the first time did not identify in their notes the specific ominous signs and symptoms that the patient denied of a problem more serious than garden variety low back pain. ***Blake v. US***, 2017 WL 1371000 (W.D.N.Y., April 17, 2017).

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