

Chemotherapy: Nurses Ruled Not Liable For Extravasation.

The patient's lawsuit against the hospital alleged that the physician negligently implanted his portacath and that the hospital's nurses negligently administered chemotherapy by allowing extravasation of medication into his chest wall.

The patient was diagnosed with non-Hodgkin's lymphoma during an admission to the hospital for surgery and was readmitted a few weeks later to the oncology service to begin chemotherapy.

The patient refused to allow his nurses to access his portacath without giving him pain medication. They gave him Dilaudid and two and one-half hours later started rituximab through his portacath. The infusion took more than five hours.

The next a.m. the patient was manipulating his central line and complaining that he wanted to go home. After a psych consult a nursing progress note was written that the patient was unstable mentally. The oncologist decided it was unsafe to continue chemotherapy with an uncooperative patient, but later that day a different physician decided to go ahead with the chemo treatment with Haldol given beforehand.

The nursing progress note that evening indicated the patient remained safe through the shift.

During the night the patient got a chemo treatment with vincristine. The nurses documented good blood return through the portacath beforehand and no side effects or reactions afterward.

Later that night a nursing note stated the patient complained of burning at the portacath site and the site appeared slightly swollen and pinkish. The nurse applied an ice pack to the area. The nurse reported the situation to the physician on call, who told the nurses to continue the chemotherapy with Cytosan.

Early in the a.m. a nursing progress note indicated the medication was infusing and that the patient had no complaints.

At 9:30 a.m. the same morning a nursing progress note indicated the patient was alert and oriented and was complaining of a burning sensation at the portacath site.

The next day the patient was discharged from the hospital, his portacath having been flushed with Heparin.

The patient's nurses competently evaluated and assessed the patient, documented the patient's clinical condition and status, kept his physicians informed of his condition and status and followed his physicians' orders caring for him and took into consideration the medical circumstances presented throughout his hospitalization.

It is not the responsibility of the patient's nurses or other non-physician hospital staff to determine the mode and manner in which chemotherapy is to be administered.

CALIFORNIA COURT OF APPEAL
May 13, 2011

The next day he was readmitted due to issues with the portacath. The physician's note indicated a possible problem with extravasation during chemotherapy.

Lawsuit Dismissed

No Nursing Negligence

The California Court of Appeal could find no negligence on the part of the patient's nurses. The nurses provided care that met the legal standard of care, kept the physicians informed and thoroughly documented their care.

It was not a nursing responsibility, the Court ruled, to decide whether to continue chemotherapy with an uncooperative patient, a patient with mental-health issues, a patient who was apparently manipulating the lines into his portacath or with a patient who was being given heavy doses of sedation while undergoing chemotherapy treatment.

The physicians who made those decisions were not hospital employees. ***Flowers v. Fountain Valley Reg. Hosp.***, 2011 WL 1832615 (Cal. App., May 13, 2011).