

LEGAL EAGLE EYE NEWSLETTER

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Colostomy Care: Nurses Delegated Care To Family Member, Patient Fell, Broke Her Hip.

The seventy-four year-old nursing home patient was on a bowel program preparing her for surgery to reverse her colostomy that had been necessary for intestinal complications following bladder-suspension surgery.

Her son came to visit in the morning. He went to the nurses station and told the nurses his mother needed to have her bag emptied. The nurses told him to take her to the restroom and do it himself.

Later that day the patient's eighty-one year-old long-time male companion who was visiting the patient in her room went to the nurses station for the same reason.

The nurses later testified they told him to go back to the room, ring the call bell and an aide or aides would come to the room and take her to the restroom and empty the bag, but they never responded to the call bell.

The companion later testified he was told to take her to the restroom himself and empty the bag himself just like the nurses had told the other family member earlier that same day.

The patient fell while she and her companion were on their way to the restroom. She broke her hip. The jury returned a verdict of \$345,000 against the nursing home and the nurse staffing agency, the nurses' employer.



The nurses testified they told the family member to go back to the room, ring the call bell and an aide or aides would come to help the patient to the restroom and empty her colostomy bag.

The family member testified the nurses told him to take her to the restroom and empty the bag himself just like they told another family member earlier.

COURT OF APPEALS OF MICHIGAN
March 22, 2011

The Court of Appeals of Michigan reviewed the allegations in the lawsuit.

It was alleged in the lawsuit that the nurses aides, who worked for the nursing home, failed to take an active role carrying out the patient's bowel program to prepare her for bowel resection surgery and failed to come to the room when summoned by the family member to care for the patient.

It was alleged that the nurses, who worked for a nurse staffing agency, did not adequately assess the patient's potential fall risk, did not have a fall-care plan in place and improperly delegated nursing care to a family member who was not able to carry out the task safely and effectively.

The jury found negligence and entered a substantial verdict in favor of the patient without differentiating fault between employees of the two defendant corporations.

After the verdict the two corporations, the nursing home and the nurse staffing agency, went to bat in court against each other over the question which one was ultimately responsible for payment of the verdict.

The Court was unable at this stage to resolve the dispute between the two corporations. ***Botsford Continuing Care v. Intelstaf Healthcare***, ___ N.W. 2d ___, 2011 WL 1002872 (Mich. App., March 22, 2011).

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