

Correctional Nursing: Inmate Patient's Rights Were Not Violated.

The Eighth Amendment establishes a governmental obligation to provide medical care for those who are being punished by incarceration.

When prison guards or medical personnel show deliberate indifference to a prisoner's serious medical needs, their actions or inactions amount to a violation of the prisoner's Constitutional rights, for which the prisoner can sue.

To be deliberately indifferent a health care provider must be aware of the inmate patient's problems and the medical treatment the provider provided or neglected to provide for them must be so grossly incompetent, inadequate or excessive as to shock the conscience or to be intolerable to fundamental fairness.

UNITED STATES DISTRICT COURT
MARYLAND
November 14, 2014

The inmate patient had become partially paraplegic as a result of a stab wound to his neck apparently inflicted by another inmate inside the institution.

The patient uses a wheelchair, suffers from chronic pain, must self-catheterize to void and gets frequent urinary tract infections. He also has a history of depression, substance abuse and a suicide attempt.

The patient filed a lawsuit against the corporation with the contract to provide medical services in the prison.

The US District Court for the District of Maryland dismissed the case.

The Court noted the patient was regularly and consistently evaluated by the medical and nursing staff. He received physical therapy, a home exercise plan, medications and catheter supplies.

His complaints of pain led to a referral to a pain-management specialist. Drug-seeking was suspected but he was still given low-dose narcotics and non-steroidal anti-inflammatory meds.

The nurses followed up repeatedly on his genitourinary complaints with dip-stick urine testing, urine cultures, PSA levels and antibiotics from a nurse practitioner.

A nurse practitioner treated him for back spasms with pain meds but denied his request for an anti-spasmodic that could potentially be used in a suicide attempt.

It was not relevant that the patient disagreed with his caregivers' decisions to withhold certain medications from him due to his history of substance abuse and suicidal ideation. ***Cason v. Wexford***, 2014 WL 6391048 (D. Md., November 14, 2014).

Expert Witness: Family Therapist Consulted With A Nurse.

The eighty year-old patient had a complex medical history before she came to the hospital emergency department for chest pain. After a full medical work-up the physicians removed her gallbladder.

After two months in the hospital she asked that no further interventions be performed and that she be allowed to go home. She went home on hospice care and died two days later.

Her daughter's lawsuit challenged the gallbladder removal at the hospital as unnecessary surgery.

The daughter herself is a Marriage and Family Practice Therapist. She reviewed her late mother's medical records from the hospital, particularly the post-surgical pathology report having to do with the excised gallbladder, and consulted with her cousin who is a registered nurse.

The California Court of Appeal ruled that the daughter's affidavit containing her conclusions as a therapist who had consulted with a nurse was not sufficient evidence to support a malpractice lawsuit against a hospital, and the hospital was entitled to dismissal of the case. ***Sperber v. Univ. of Calif.***, 2014 WL 6058172 (Cal. App.,

LEGAL EAGLE EYE NEWSLETTER
For the Nursing Profession
ISSN 1085-4924

© 2014/2018 Legal Eagle Eye Newsletter

E. Kenneth Snyder, BSN, JD
Editor/Publisher

PO Box 4592
Seattle, WA 98194-0592
(206) 718-0861

kensnyder@nursinglaw.com
www.nursinglaw.com

LEGAL EAGLE EYE NEWSLETTER PO BOX 4592 SEATTLE WA 98194-0592
(206) 718-0861 www.nursinglaw.com subscriptions@nursinglaw.com

Print \$155/year _____ Email \$120/year _____
Check enclosed _____ Bill me _____ Credit/Debit card _____

Visa/MC/AmEx/Disc No. _____

Signature _____
Expiration Date _____ CVV Code _____ Billing ZIP Code _____

Name _____
Organization _____
Address _____
City/State/Zip _____
Email for Email Edition* _____

*Print subscribers: provide your email and receive Email Edition at no extra charge.