

## Emergency Room: Nurse Negligent, Failed To Do EKG.

The jury found the emergency room nurse negligent for failing to do an EKG and for failing to summon the emergency room physician promptly.

***The patient had severe angina pain and called 911 believing she was having a heart attack.***

***When she arrived at the emergency room the triage nurse put her on O<sub>2</sub> and connected a heart monitor and left her alone in an examination room with the curtain drawn.***

***An EKG machine was close by and not in use, but the nurse did not obtain an EKG strip.***

***The patient was not seen by a physician until almost an hour after she arrived.***

***She survived, with irreversible cardiac damage.***

SUPREME JUDICIAL COURT  
OF MASSACHUSETTS, 2001.

The only question for the Supreme Judicial Court of Massachusetts was who was responsible for the nurse's errors and omissions, the city that owned the hospital and/or a management consulting firm.

The management consulting firm only provided administrative and financial-management support, and the court dismissed it from the case because it did not directly supervise the hospital's clinical staff, particularly the nurse working in the emergency room late at night. ***Hohenleitner v. Quorum Health Resources, Inc.***, 758 N.E. 2d 616 (Mass., 2001).

## Dehiscence Of Surgical Wound: Case Dismissed Against Nurse.

A cancer patient was already debilitated from chemotherapy when he had surgery to remove his colon.

The surgeon erroneously removed the ascending and transverse colons and sutured him up, then realized his error and three days later re-opened him and took out the descending colon.

Post-operatively the nurses noted the wound had re-opened. The patient actually died from a pulmonary embolism traced to the stress of having two surgeries, one being unnecessary. The Superior Court of New Jersey, Appellate Division, let stand the jury's verdict exonerating the peri-operative nurse. ***Holdsworth v. Galler***, 783 A. 2d 25 (N.J. App., 2001).

***When a surgical wound is reopened and re-sutured there is increased risk of dehiscence.***

***The nurses noted after the second surgery that the wound was opening and bowel was leaking through.***

***The question was whether the first surgery, which was done negligently and which necessitated the second surgery, which was done correctly in all respects, increased the risk of dehiscence after the second surgery.***

***The jury could find nothing that the nurse did wrong and she was dismissed from the case.***

SUPERIOR COURT OF NEW JERSEY,  
APPELLATE DIVISION, 2001.

## Suctioning: CNA Fired, Performed Procedure Against Nursing Home's Rules.

A certified nursing assistant explained that the patient brought back memories of her father who lingered for years with a severe cough.

The CNA tried to suction the patient with a plastic tube from a nebulizer, seriously traumatizing the patient. The CNA had been told that this patient did not need suctioning and, in any event, suctioning was only to be done by a licensed nurse after getting orders from the physician.

The CNA was fired and was reported to the state for patient abuse.

***An employee's subjective intentions are not relevant.***

***This employee knowingly disregarded the nursing home's procedures and disobeyed her supervisor's express orders. Her conduct was clearly adverse to her employer's interests and could have had serious consequences.***

***This was not mere carelessness, it was willful misconduct justifying termination for cause.***

NEW YORK SUPREME COURT,  
APPELLATE DIVISION, 2001.

The New York Supreme Court, Appellate Division, sided with the nursing home's director of nursing.

Intentional violation of the employer's policies that are known to the employee or going against direct orders from a supervisor is willful misconduct justifying termination. ***Claim of Heintzleman***, 732 N.Y.S.2d 490 (N.Y. App., 2001).