

## No Ensure: Jail Inmate's Case Dismissed.

A jail inmate sued because the nurse failed at times to provide the Ensure that was prescribed by the physician for his weight loss.

The New York Supreme Court, Appellate Division, ruled that expert medical testimony is required to prove any actual harm to a patient from a nutritional supplement being unavailable on certain days due to supply shortages, or the case must be dismissed. Tatta v. State, \_\_ N.Y.S.2d \_\_, 2005 WL 1414456 (N.Y.App., June 16, 2005).