

Epilepsy: Court Finds Post-Ictal Emergency Care Substandard.

The US District Court for the District of Puerto Rico awarded almost \$5 million to the family of a patient who died in a US Veterans Administration hospital from respiratory arrest following an epileptic seizure and fall at home.

The court's ruling pointed squarely at the substandard assessment and monitoring the patient received from the hospital's emergency room nursing staff.

The patient had been in the same E.R. many times before after his epileptic seizures. When he came in this time he was left for more than an hour with only minimal attention from the E.R. nursing staff.

American College of Emergency Physicians Clinical Policy for the Initial Approach to Patients Presenting with Altered Mental Status requires an apneic, hypoxic and hypotensive post-ictal patient, among other things, to be assessed for a patent airway.

The patient may just need a little O₂ from a face mask, or he may need to be intubated immediately to save his life.

UNITED STATES DISTRICT COURT
PUERTO RICO
April 4, 2006

The court pointed to the fact no paper strips could be found to support the nurse's testimony she had promptly placed him on a cardiac monitor, was taking vitals and was watching his O₂ saturation closely. The court felt he was more likely left lying alone on a stretcher even though he was hardly breathing. ***Santana Otero v. US***, __ F. Supp. 2d __, 2006 WL 866526 (D. Puerto Rico, April 4, 2006).