

Patient's Fall: Nurse, Not Physician, Is Qualified To Testify As A Defense Expert Witness.

The seventy-seven year-old patient went in for a routine office visit with the doctor who had been her family practice physician for more than six years.

No Nursing Assessment Of Patient's Ability To Step On, Off Scale

The patient had risk factors for falling and these risk factors were all well documented in her office chart. The patient had had previous problems with vertigo and dizziness, was obese, had problems with her gait and was taking a number of prescription medications.

Nevertheless, after greeting her in the waiting room and leading her back to the scale to be weighed, the office nurse did not assess the patient's current condition by asking her how she was feeling and what it was that had brought her to the doctor's office that day.

As the patient stepped on the scale the nurse reportedly was holding a pen in one hand and the patient's chart in her other hand. That is, the nurse was not attempting to assist the patient to get on or off the scale.

As the patient stepped off the scale she fell and broke her hip in four places.

The patient and her husband sued a number of defendants for negligence. All of the defendants have been dropped from the case except for the management company who was the nurse's employer.

Nurse Accepted As Expert Witness

The nurse's employer's first line of defense was to argue that the patient's nursing and medical experts are not qualified to testify in a healthcare negligence lawsuit.

The Court of Appeals of Georgia reviewed the two experts' qualifications and ruled that the nurse, but not the physician were qualified to testify. The nursing expert herself has been regularly involved in nursing practice for the last five years in situations where patient-safety assessment is a vital nursing consideration, unlike the physician who has been practicing medicine. **Anderson v. Mountain Management Services, Inc.**, ___ S.E. 2d ___, 2010 WL 3991642 (Ga. App., October 13, 2010).

The patient's nursing expert has worked in outpatient surgery, the recovery room and in the pain clinic at a local medical center.

Her nursing experience has involved evaluating patients to determine their needs and capabilities and assisting patients through the process of surgery.

Properly assisting a patient includes obtaining and reviewing the chart before greeting and interacting with the patient.

Assessing a patient's fall risk includes taking stock of the nurse's past knowledge of the patient, whether the patient is elderly, whether the patient uses assistive devices, how the patient is walking and how the patient is feels that day.

Evaluating patients' physical abilities to determine their safety needs is a fundamental nursing responsibility.

The patient's medical expert, on the other hand, is an internist with a background in family medicine. There is no indication he has practiced as a nurse or supervised or taught nurses in basic patient safety assessment.

COURT OF APPEALS OF GEORGIA
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