

Nurse As Expert Witness: Court Was Wrong To Exclude Her Testimony.

The patient developed pressure sores and then a sacral decubitus while in the ICU for complications which arose after bilateral knee-replacement surgery.

Although the skin condition eventually resolved the patient sued the hospital for nursing negligence.

The local district court dismissed the patient's lawsuit on the basis that the patient had no valid expert testimony to support his case, while the hospital did have valid expert testimony for its defense.

That is, the hospital's expert witness, a physician, was prepared to testify the patient's refusal as a Jehovah's witness to accept blood products led to anemia and hypovolemia which led to hypovolemic shock and renal failure which made breakdown of skin integrity virtually inevitable.

The patient's expert witness, a nurse, was prepared to testify there was no documentation of the patient being turned in the ICU even though the standard of care mandates assessment of skin integrity and turning immobile patients every two hours and documenting that it has been done.

It was legal error to disregard the nursing expert's testimony without a hearing and without any analysis.

COURT OF APPEAL OF LOUISIANA
May 8, 2009

The Court of Appeal of Louisiana ruled the local district court judge erred by categorically excluding the nursing expert's testimony simply on the grounds that she was a nurse and not a physician. The patient with his nursing expert is entitled to his day in court.

There has been no definitive ruling as yet that the hospital was, in fact, negligent in this patient's care. [Guardia v. Lakeview Regional Med. Ctr.](#), 2009 WL 1270001 (La. App., May 8, 2009).