
Patient Falls Hospital

A Falln eighty-year-old patient fell in a nursing home, struck his head on the floor, and was taken to a hospital emergency room. In the emergency room he was briefly left alone on a hospital stretcher, and ended up on the floor with a fractured hip. The patient had surgery for the fractured hip. Shortly after the surgery he died from a heart attack. The family filed suit for negligence.

The Court of Appeal of Louisiana upheld the verdict of no negligence entered in favor of the hospital by a lower court.

The court stated in general terms that hospitals have the legal responsibility to assess each patient's physical and mental capacities, and to tailor the patient's care accordingly. This patient, who came in with a head injury, was given a full score of fifteen on the Glasgow Coma Scale, before he fell from the stretcher. The court said this was proof he was fully alert and oriented, and not in need of continuous visual observation by emergency room personnel, which would have been necessary had he not been fully alert and oriented.

In an apparent lapse in procedure, the patient had not signed a consent form upon arrival. This did not prove he was not alert and oriented, but happened only because he did not have his glasses and was unable to read the form, according to the court.

It was not noted in the patient's chart, as it should have been, whether the side rails on the stretcher were put up or left down. However, the court accepted at face value the testimony of the nursing assistant who first found the patient on the floor of the treatment room in the emergency department, that the side rails were up.

The court preferred to believe the nursing assistant's testimony over the family's attorney's theory that a patient in this man's condition could not have climbed over the side rails, had they been raised.

Parker vs. Centenary Heritage Manor, 677 So. 2d 568 (La. App., 1996).

Hospitals must exercise the degree of care toward each patient that the particular patient's condition requires.

It is a hospital's legal responsibility to assess each patient, and to protect the patient from dangers that may result from the patient's physical and mental incapacities.

If a patient in the emergency room is not alert and oriented, the standard of care requires that the patient not be left unattended even for a brief moment. It was noted in the chart, however, that this patient had been assessed and was fully alert and oriented.

Even so, there was no question the standard of care required the side rails on this patient's emergency room stretcher to be raised up to prevent this patient from falling off the stretcher accidentally.

It was not noted in the chart, as it should have been, that the rails were up. The court heard conflicting theories, decided the rails actually were up, and ruled in favor of the hospital.

COURT OF APPEAL OF LOUISIANA, 1996.

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