

Patient's Fall: Nursing Documentation Inadequate, Verdict For The Patient.

United States courts are divided on the issue whether simple routine care like assisting a post-surgery patient to walk to the bathroom involves an exercise of professional judgment by a caregiver.

In general, if a patient files a lawsuit for injuries resulting from negligent exercise of professional judgment, the patient has to come forward with expert testimony or face dismissal.

If the injuries in the lawsuit did not arise from errors or omissions in professional judgment, the jury hears the facts and makes a decision based simply on their own common sense and everyday life experiences.

The issue in this case was not the professional standard of care for ambulating a patient; there was no question whether a gait belt should have been used.

The issue was whether the gait belt was used; the jury decided it was not.

It would beg the question to allow the facility's nursing expert to testify that using a gait belt fully meets with the standard of care.

COURT OF APPEALS OF IOWA
July 12, 2006

The patient was transferred to the facility for skilled rehab following hip-replacement surgery.

One afternoon weeks after her admission she rang her call bell for assistance to go to the bathroom and a CNA responded. On the way to the bathroom the patient fell and was injured.

CNA's Version

The CNA testified he walked into the room, opened the bathroom door and helped the patient sit up in bed. He placed a gait belt around her waist, helped her stand up and gave her her walker. When she stood up he asked her if she was dizzy and she said, "No." As they walked to the bathroom the patient lost her balance, so he helped her slowly and gently to the floor. After the incident the patient said she was all right.

Patient's Version

The patient testified the CNA came in and brought her her walker. The CNA had his arm around her waist as they started walking to the bathroom. As the CNA reached out to yank open the privacy curtain she fell hard and her walker landed on top of her.

One Nurse's Version

A nurse testified she could not remember if the patient had had a gait belt on when she came to the room after the fall. She said the patient said the CNA was not holding on to her and let her fall.

Another Nurse's Version

A second nurse actually documented the incident with a late entry in the patient's chart. The chart entry made no mention of a gait belt and the nurse could not remember later in court whether a gait belt was involved.

The Court of Appeals of Iowa ruled the jury had heard all the relevant testimony and had the right to decide what and whom to believe. The jury's verdict against the facility for an unspecified sum was upheld. **Davis v. Montgomery County Memorial Hosp.**, 2006 WL 1896217 (Iowa App., July 12, 2006).