

Fall: Court Sees Grounds For Negligence Suit.

The patient was residing temporarily in a long-term care facility recovering from surgery.

She was found on the floor in her room at 4:00 a.m. with injuries to her eyes and face and sent to the hospital for emergency surgery.

The family sued the nursing facility for providing negligent nursing care.

There is little if any documentation how or exactly where in relation to her bed the patient was found on the floor.

There is also little or no documentation whether a nurse had attended to the patient or any other care had been provided for the patient in the hours before she was found on the floor.

COURT OF APPEALS OF TEXAS
December 9, 2009

The Court of Appeals of Texas ruled the reports prepared by the family's nursing and medical experts made out valid grounds for the lawsuit.

The nursing expert stated that fall precautions should have been implemented, that is, the bed should have been lowered, fall mats placed around the bed and a bed alarm put in place and activated.

Inadequate Nursing Documentation

The Court discounted the facility's argument that the family's nursing expert's opinion was only a generic recital of some general principles of nursing care.

The patient's treatment records were wholly inadequate as to what, if anything, was being done by way of care planning or actual care for fall risk. There was also no record of any direct contact with the patient during the hours preceding her fall, how long she was on the floor or how it was discovered that she was lying there. ***Regent Care v. Craig, 2009 WL 4671323 (Tex. App., December 9, 2009).***