

## Fall: Jury Finds No Nursing Negligence.

The patient, who has Meniere's Disease, came to the E.R. complaining of vomiting and dizziness.

She was placed on a stretcher within view of the nurses station. The stretcher had side rails but the rails were not raised. The patient was provided with a call light.

Moments later the patient was on the floor with a broken wrist.

The patient's lawsuit against the hospital in the Circuit Court, Fayette County, Kentucky resulted in a defense verdict in favor of the hospital.

The hospital defended on the basis that there was no reason or justification for raising the side rails or for using some other form of physical restraint.

The patient herself was guilty of negligence for apparently trying to get up to the restroom by herself without asking for help that was readily available from the nurses. Henry v. St. Joseph Hosp., 2009 WL 1110292 (Cir. Ct. Fayette Co., Kentucky, March 4, 2009).