

## Family Member Faints, Falls, Is Injured Watching IV Insert: Court Says Nurse, EMT Not Legally Liable For Negligence.

A patient had to be rushed to the hospital by ambulance for emergency abdominal surgery. Her sister was with her when she arrived at the hospital.

In the hospital's emergency department the EMT who brought her in attempted several times unsuccessfully to insert an IV. The patient's sister watched as her sister moaned and wept from the pain the EMT was causing her.

Finally the emergency-room nurse took over and was able to get the needle into a vein on the first try.

While the nurse and the EMT were working on the patient the sister twice told the nurse and the EMT she thought she, the sister, was about to pass out. They heard what she said but did nothing to help her. The sister lost consciousness, fell to the floor, broke her jaw, chipped some teeth and sustained facial lacerations.

The sister sued the hospital, the ambulance company, the EMT and the nurse.

The Supreme Court of Connecticut threw out the sister's lawsuit. The court ruled that harm to the sister being foreseeable, in and of itself, did not impose a legal responsibility on the EMT or the nurse for the sister's safety.

It is a public-policy decision whether a legal duty should be imposed and damages assessed for violation of the legal duty. Public policy in a situation like this, the court reasoned, should be to permit medical personnel attending to an emergency case to focus their undivided attention on their patient.

It would not be prudent, the court ruled, for the law to impose an extra responsibility on emergency medical personnel to worry about bystanders, even family members with a legitimate interest in the patient's welfare, who voluntarily choose to witness medical interventions that might be hard for untrained persons to view without being affected. Murillo v. Seymour Ambulance Ass'n., Inc., 264 Conn. 474, 823 A. 2d 1202, 2003 WL 21380442 (Conn., June 24, 2003).

## Substandard Aseptic Technique: Court Says Patient Can Sue Hospital For Staph Infection.

Some time after a three-day hospital stay for disc surgery the patient was diagnosed with pyoderma gangrenosum. The patient sued the hospital for negligence, claiming her condition was precipitated by a Staph infection she contracted at the hospital as a direct result of substandard aseptic technique by the hospital's staff nurses in administering IV's post-surgery.

The legal issue was cause-and-effect. That is, was the evidence strong enough to link the nurse's substandard aseptic technique to a Staph infection which in turn triggered the pyoderma gangrenosum?

The Court of Appeals of Georgia ruled the evidence was strong enough at least for the case against the hospital to go before a civil jury for a ruling.

***Infection is rare following IV therapy if proper aseptic technique is used.***

***The patient and her husband testified there were numerous breaches of aseptic technique by the hospital's nurses.***

***The patient's arm was red and swollen and her temp was 100° when discharged.***

***It is reasonably certain she got the Staph infection in the hospital.***

COURT OF APPEALS OF GEORGIA  
June 17, 2003

A nurse practitioner testified as an expert witness on nursing standards of practice that it is below the standard of care for nurses not to wash their hands before attempting to insert an IV needle, to reinsert a needle or catheter that has come out and touched the patient's skin, to reconnect tubing that has fallen on the bedding, not to wear gloves, etc.

The patient's arm was red and swollen and she had a fever when she was discharged, signs of infection.

Infection is rare when proper IV aseptic technique is used. The Court of Appeals accepted expert medical testimony setting up at least a plausible link between the nurses' negligence and a Staph infection in their patient. Knight v. West Paces Ferry Hospital, Inc., \_\_\_ S.E. 2d \_\_\_, 2003 WL 21384585 (Ga. App., June 17, 2003).