

Feeding Tube: Nurses Cleared Of Negligence In Patient's Death.

The patient had had a myocardial infarction during which he stopped breathing for a time. He was left with brain damage from lack of oxygen.

The hospital transferred him to the skilled rehab unit, then discharged him to a nursing home with a gastrostomy tube that had been inserted at the hospital.

While being showered at the nursing home he pulled out his tube. The aide promptly told the nurse. The nurse contacted the hospital and the hospital sent over a nurse practitioner who replaced the tube with a Foley catheter as instructed by the physician.

According to the Court of Appeals of Texas the nurse practitioner injected and auscultated for sounds of air in the stomach before authorizing the nursing home staff to resume feeding him.

Later that afternoon, 1 1/2 hours after he was last fed, a nurse saw him shaking and making facial grimaces. She called 911 and had him taken back to the hospital. An x-ray showed the tube was not in his stomach. He died nine days later from peritonitis.

In a healthcare negligence case the patient must be able to prove by a preponderance of the evidence that negligence occurred and caused harm.

COURT OF APPEALS OF TEXAS
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The court ruled the evidence was inconclusive as to nursing negligence. The medical experts testified the tube may have not been correctly re-positioned by the nurses or may have been correctly positioned and then pulled loose again by the patient at some time before the x-rays at the hospital. Estate of Garrison v. Dailey, 2006 WL 1547759 (Tex. App., June 7, 2006).