

Patient Found On Floor: Court Sees No Nursing Negligence.

On admission to the hospital the patient was assessed as a low fall risk and was given bathroom privileges. While in bed he had a face mask for O₂ because he had been having shortness of breath.

He was found face-down on the floor in his room without his mask. He had aspirated vomit into his lungs. A code was called and then he was airlifted to a regional trauma center where he died.

The Court of Appeal of Louisiana ruled that the adequacy of a fall-care plan and the adequacy of a nursing care plan to monitor a patient on O₂ are not judged after the fact with 20/20 hindsight, just because a tragic incident occurs. The court upheld a judgment in favor of the hospital dismissing the case. **Henderson v. Homer Memorial Hosp.**, __ So. 2d __, 2006 WL 217933 (La. App., January 27, 2006).