

Heat Stroke / Death: Court Says Nurse Was Deliberately Indifferent To Psychiatric Patient's Medical Needs.

The patient was involuntarily committed to a state psychiatric facility for treatment of auditory hallucinations, depression, erratic mood swings and paranoid delusions. He also had a heart condition, hypertension, diabetes and a history of chest pains with exertion.

Death From Heat Stroke

He was admitted to the facility June 19 and died in the facility from heat stroke on July 31. His family sued the state-run facility in Federal court, alleging deliberate indifference to his serious medical needs.

The phrase "deliberate indifference to serious medical needs" is the touchstone for alleging that the Constitutional rights of an inmate of a state facility have been violated. The US Court of Appeals for the Eighth Circuit ruled the nursing care of this patient was so substandard it went beyond negligence into the realm of serious indifference, and the court upheld the lawsuit.

Substandard Psychiatric Nursing Care

For a month after he began to complain of dizziness, chest pains and syncope and was sweating profusely and drinking lots of water, the physicians wanted the nurses to watch him closely for dehydration. It was not consistent with his psychiatric treatment to reduce his anti-psychotic and anti-dyskinetic medications or his lithium.

The head nurse, however, approved the patient's own plan to continue strenuous outdoor exercise in 95°F heat and kept him living in a room with hot steam pipes that were left uninsulated during an asbestos-abatement refit.

There was no ice available on the unit or supplies for an ice-water enema which the doctors wanted to try right before he expired, which the court also blamed on the head nurse. **Terrance v. Northville Regional Psychiatric Hospital**, 286 F. 3d 834 (6th Cir., 2002).

Nurses caring for psychiatric patients should know that excessive heat can cause serious medical complications for patients on psychotropic medications like Haldol, Cogentin and lithium.

Dehydration is always a nursing consideration with patients on these and similar medications.

Sweating, tremors and hypotension can be signs of dehydration or signs of extrapyramidal side effects of the medications.

Close, competent and vigilant nursing observation of these patients is always essential.

The risk of problems is compounded with a psychiatric patient who is diabetic and deconditioned and has a history of high blood pressure and chest pains.

Add to that an outside temperature above 95°F with 90% humidity, meaning the heat index was 148°.

At a minimum the patient should have been restricted from outdoor exercise and kept indoors in a cool room.

UNITED STATES COURT OF APPEALS,
SIXTH CIRCUIT, 2002.

Sexual Assault: Court Refuses To Rule It Was Outside Course And Scope Of Employment.

A patient was in the hospital recovering from an angioplasty which had involved surgical insertion of a sheath in the femoral artery in his groin.

A male aide was assigned to care for him. Care involved touching and moving his genitals so that the groin area could be cleansed as needed. The aide improperly handled the patient's penis in a sexual manner. The patient sued the hospital in civil court for sexual assault.

A healthcare facility is not legally liable for a patient being sexually assaulted by a facility employee unless the assault is committed within the course and scope of the employee's employment duties.

COURT OF APPEALS OF GEORGIA, 2002.

The Court of Appeals of Georgia would not accept the argument the hospital raised, like most healthcare facilities in these cases, that a sexual assault is outside the course and scope of a caregiving employee's employment duties.

The court looked at the prior legal precedents and found a dichotomy. In some cases the perpetrator has no business touching the patient at all or touching the patient's genitals, while in other cases the perpetrator is supposed to do that but misuses the situation to obtain sexual gratification. In the latter situation, similar to this case, the courts usually do find the sexual assault was in the course and scope of employment and hold the employer liable. **Palladino v. Piedmont Hospital, Inc.**, 561 S.E. 2d 235 (Ga. App., 2002).