

LEGAL EAGLE EYE NEWSLETTER

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IV Infiltration Alleged In Patient's Suit: Jury Sees No Negligence By Patient's Nurses.

The forty-six year-old patient was admitted to the hospital for chronic pancreatitis which in previous admissions had required IV medication for pain. The physicians ordered IV Demerol and Phenergan.

The nurses were not able to start an IV in her upper extremities and decided to start the IV in her left foot.

According to the nursing progress notes, the IV was checked over the next few hours as the Demerol and Phenergan infused.

The next morning the patient started to complain of pain in her foot so the nurses removed the IV and notified the physician.

Later the patient developed gangrene in the foot and it had to be amputated.

The patient filed a lawsuit against the hospital seeking \$3.5 million as damages for nursing negligence.

The lawsuit alleged the nurses inserted the IV negligently, then failed to check that the IV was infusing into the vein as medications were being administered.

As a result, the lawsuit claimed, the medication, particularly the Phenergan, infused into the surrounding tissue and caused tissue damage that led to gangrene and the eventual amputation of the patient's foot.



The jury was allowed to see the nurses' progress notes.

The nurse flushed the IV line before starting the medication and obtained blood return before the IV line was pulled.

It was also documented that there was no redness or edema remaining at the site, that is, no evidence that the medication had infiltrated the surrounding tissue.

CIRCUIT COURT
POLK COUNTY, FLORIDA
November 2, 2010

The jury in the Circuit Court, Polk County, Florida found no negligence and awarded no damages to the patient.

The hospital's expert witness, a vascular surgeon, testified the patient's nursing care was appropriate in all respects.

The nursing progress notes themselves reportedly were admitted into evidence as exhibits for the jury.

The nurse flushed the IV line before starting the medications and then checked for return of blood before removing the IV, indicating that it had properly been inserted into the vein.

Based on the nurses' careful documentation when starting the IV, administering the medications through the IV and when removing the IV, it could be said that no infiltration of the surrounding tissue occurred.

It was also documented by the nurses that no redness was visible or edema palpable at the IV site, indicating that no infiltration of the surrounding tissue had occurred.

Instead, it was more likely that the injury to the patient's foot was an unavoidable complication of the caustic nature of Phenergan administered directly into a vein, not negligence by a hospital caregiver. ***Steward v. Haines City HMA, 2010 WL 4926787 (Cir. Ct. Polk Co., Florida, November 2, 2010).***

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