

Patient Falls: No Justification For Restraints, Facility Ruled Not Liable.

The seventy-four year-old patient was brought to the E.R. by her husband for what appeared to be an anxiety attack.

The standard E.R. work-up found one of her cardiac enzymes was elevated, so the physician admitted her to the telemetry unit with an order for bed rest. A telemetry unit nurse assisted her to the restroom. Three minutes later the patient got up by herself to go again, fell and broke her hip.

There was no physician's order for restraints or for a sitter.

There was no documented justification for raising the bed rails or for any other form of restraint.

SUPERIOR COURT, MORRIS COUNTY
NEW JERSEY
August 19, 2008

The jury in the Superior Court, Morris County, New Jersey found no negligence.

The patient was in the early stages of Lewy body dementia and had been going to adult daycare three days a week.

The jury, however, accepted testimony from the hospital's medical and nursing experts that there was no discernable justification for bed rails, a vest restraint or a sitter.

Hindsight is not the standard for imposing legal liability after a patient has fallen in a healthcare facility. Caregivers' actions are judged based only on the assessment data available before the fact.

The hospital's nursing expert testified that restraints indeed were contraindicated as potentially harmful based on the patient's presenting history of a recent anxiety attack. **Ahearn v. Morristown Mem. Hosp., 2008 WL 4210683 (Sup. Ct. Morris Co., New Jersey, August 19, 2008).**