

# Patient Consent: Nurse Kept Trying To Start IV After Patient Objected, Medical Battery Allegations Dismissed By Court.

While the patient was hospitalized, the patient's physician ordered an intravenous antibiotic.

The nurse assigned to her care began attempting to start an IV line necessary to administer the prescribed drug.

After several unsuccessful attempts to insert the IV in the patient's forearm, the nurse began examining the left hand to find a possible IV site.

At this point the patient became upset. She told the nurse she was left-handed and did not want an IV in her left hand. The patient asked the nurse to stop altogether attempting to start the IV pending a consultation with her physician whether an oral antibiotic might be used instead.

Over the patient's objections the nurse made several more unsuccessful attempts to start the IV line in the patient's left hand, then phoned the physician, who prescribed an oral antibiotic.

The patient sued the hospital over the multiple needle sticks in her left hand. In addition to the pain she experienced she claimed a neurological injury to her hand as a result of the nurse's actions.

## Medical Battery

The Court of Appeals of Georgia reviewed the legal definition of medical battery in the context of a patient voicing an objection to treatment while treatment is in progress.

The court said a healthcare professional is not obligated instantly to stop an ongoing exam or treatment if doing so would be detrimental to the patient's life or health in the professional's medical judgment. A lawsuit for medical battery arising from these circumstances requires expert testimony, not offered in this case, that it would have been feasible and advisable for the nurse to stop and phone the physician re the issue of an oral as opposed to IV antibiotic. **King v. Dodge County Hosp. Authority**, \_\_ S.E. 2d \_\_, 2005 WL 1514990 (Ga. App., June 27, 2005).

***Even after consent has been given, the patient can withdraw consent and expose a medical professional to a suit for assault and battery if the professional continues treatment.***

***The patient must use language which must be clear and must leave no room for doubt in the mind of a reasonable person that in view of all the circumstances consent to treatment has been withdrawn.***

***In addition, when medical treatments or examinations have been started with the patient's consent and are proceeding in a manner requiring the healthcare professional to be in contact with the patient's body, and consent to the ongoing treatment is revoked, it must be medically feasible for the professional to desist in the treatment or examination at that point without cessation being detrimental to the patient's life or health from a medical viewpoint.***

***The second part has to be proven with expert testimony.***

COURT OF APPEALS OF GEORGIA  
June 27, 2005