

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Nurse Medication Error

A forty-six year-old man had been diagnosed and had started taking Tambocor for ventricular tachycardia two years before he came to the hospital's emergency room stating his heart rate would not slow down even though he had taken his medication. He was conscious and had no chest pain.

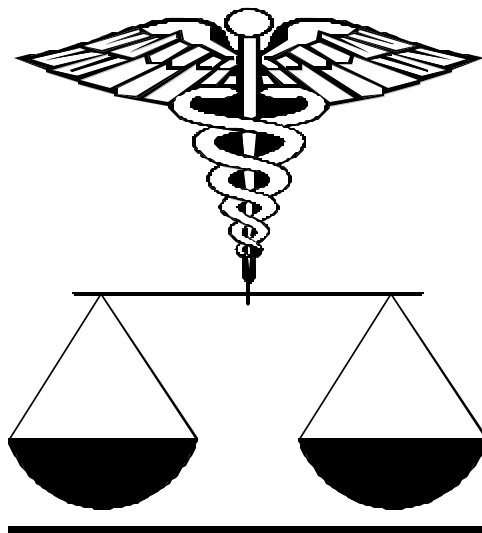
An EKG confirmed it was ventricular tachycardia. The ER physician ordered lidocaine and bretylium and then phoned the on-call cardiologist when those two drugs did not work.

After getting off the phone with the cardiologist the ER physician ordered 5 mg of verapamil. It was administered by an EMT working in the ER as a nursing technician.

The ER nurse and the house nursing supervisor both saw that the EMT was about to give verapamil. All three knew it was contraindicated for ventricular tachycardia because in ventricular tachycardia it can cause hemodynamic collapse, but the two nurses did nothing and the EMT went ahead.

Two minutes later the patient's blood pressure crashed and he arrested. He was revived but has permanent brain damage and no independent motor function or capacity for speech. The jury's verdict was \$13.1 million.

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***A nurse has a legal duty to refuse to act and to take it up through the nursing chain of command when the nurse has serious questions about a medication involving an extreme risk of harm.***

***A nursing supervisor must intervene when a nurse complains about an apparently erroneous and potentially dangerous medication order.***

COURT OF APPEALS OF TEXAS

November 20, 2003

## Nursing Home Resident's Fall: Negligence Suit Allowed.

The sixty-two year-old resident was six feet one inch tall and weighed 310 pounds. He was developmentally disabled, with a mental age of seven years. He had lost the use of one leg from numerous strokes.

His plan of care expressly called for two aides to assist in transferring him from his wheelchair to his shower chair. Furthermore, according to his plan of care, the transfer was to be done in his room and he was to be wheeled to the shower in his shower chair, as the shower area was too narrow and confining for the two-person-assisted transfer to be done there.

Nevertheless, one aide alone attempted to transfer him in the shower room by propping him against the wall on his good leg. He fell and fractured his good leg.

The Court of Appeal of Louisiana ruled there were grounds for a negligence lawsuit. In a case like this aides have no discretion to depart from the plan of care that has been adopted by the professional nursing staff for the resident's safety. ***Jordan v. Stone-bridge, L.L.C.***, \_\_ So. 2d \_\_, 2003 WL 22799032 (La. App., November 25, 2003).

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