

Epidural Morphine: Wrongful Death Lawsuit Faults Early Discharge From The Hospital.

The forty-nine year-old male patient was sent home from the hospital the same evening after umbilical hernia repair, abdominoplasty and liposuction.

He suffered a fat embolism that night and died at home. His family sued the surgeon, the certified registered nurse anesthetist, two staff nurses and the hospital.

The family's lawyers then dropped the surgeon and staff nurses from the lawsuit, electing for tactical reasons to focus squarely on the nurse anesthetist's decision to send the patient home prematurely.

The Court of Appeals of Texas ruled that the expert witness's opinion the family's lawyers filed with the court in support of the family's wrongful-death lawsuit contained a correct statement of the legal standard of care.

Post Epidural Morphine 24 Hour Monitoring Required In a Skilled Setting

The patient received an epidural consisting of lidocaine, Marcaine, fentanyl and Duramorph. According to the expert's opinion endorsed by the court, these medications in combination are appropriate for epidural administration for elective abdominal surgery.

The patient's intra-operative and immediate post-operative course were unremarkable.

The problem came from discharging the patient home that evening when he should have been kept in the hospital for close observation.

The court pointed to the fact the manufacturer's standard package-insert warnings for epidural use of Duramorph require 24-hour post-operative skilled monitoring of the patient, that is, the patient needs to be kept in an inpatient setting where trained personnel can watch for common and uncommon complications and side effects and have the equipment, facilities and specialized medical care available at hand to deal with complications. **Renaissance Surgical Centers v. Jimenez**, 2008 WL 3971096 (Tex. App., August 28, 2008).

Under no circumstances should a patient be allowed to go home from the hospital the same day the patient receives epidural morphine.

If this patient had been kept in the hospital, trained medical personnel would most likely have picked up on the signs and symptoms of a fat embolism following his liposuction, abdominoplasty and umbilical hernia repair.

The manufacturer's warning for epidural administration of Duramorph, a trade name for preservative-free morphine sulfate, says that the patient must be monitored in a skilled setting for at least 24 hours post-operatively.

A skilled setting could be an intensive care unit, telemetry unit or a regular medical/surgical nursing floor.

The basic necessity is that the skilled setting have the personnel and equipment to handle complications and side effects that can arise after epidural morphine is used.

Complications can commonly include respiratory depression, pruritis, nausea, vomiting and sedation.

COURT OF APPEALS OF TEXAS
August 28, 2008

Fecal Impaction: Lapses In Care Lead To Settlement.

The eighty-three year-old resident had been in the long-term care facility fifteen years, thirteen in assisted living and her last two on a nursing floor.

After she died in the hospital the coroner's exam revealed signs of long-standing constipation and fecal impaction.

Even though her chart records from long-term care seemed to show she was eating well and having regular bowel movements until the very end, her probate estate's wrongful-death lawsuit alleged she was not getting proper attention and care.

The estate's lawsuit was settled, reportedly soon after the judge in the Circuit Court, Miami-Dade County, Florida ruled he would allow evidence to go to the jury that certain chart entries were fabricated after the fact and would allow punitive damages if the jury believed that was true.

The judge let the jury consider awarding punitive damages.

It came to light the medical records were altered after the fact.

The patient supposedly was cared for for two more days after she had already died in the hospital.

The assessments and care charted at the end were completely inconsistent with the coroner's post-mortem.

CIRCUIT COURT
MIAMI-DADE COUNTY, FLORIDA
August 5, 2008

Paradoxically, the resident had willed half her sizeable fortune to the nursing facility, which agreed in the settlement to accept \$600,000 less than the total it was to inherit. **Estate of Beedle v. East Ridge Retirement Village**, 2008 WL 4210677 (Cir. Ct. Miami-Dade Co., Florida, August 5, 2008).