

## Morphine: Court Rules Nurses Did Not Cause Patient's Death.

The patient was brought to the emergency department with major blunt abdominal trauma after a car crash.

In the emergency department a nurse carried out the physician's order for a dose of morphine for the patient's pain.

After getting the morphine the patient's blood pressure dropped. He went into cardiac and respiratory arrest and lapsed into unconsciousness.

The nurses alerted the physician, who immediately intubated him and sent him to the O.R. to be resuscitated and then to start surgery to explore and repair abdominal bleeding. He was never revived from his coma and died later that day in the ICU.

### Court Dismisses

#### Family's Wrongful Death Lawsuit

The California Court of Appeal dismissed the family's wrongful death lawsuit which alleged that the patient died as a result of the morphine given by the emergency department nurses. There was no allegation of an excessive dose, improper administration of the medication or inattentive monitoring by the nurses.

In response to the lawsuit the hospital submitted affidavits from a nurse and a physician whom the Court accepted as competent expert witnesses.

The hospital's nursing expert stated that the nurses fully carried out their legal responsibilities by timely and appropriately evaluating the patient, by complying with the physician's orders and by keeping the physician informed of changes in the patient's condition.

The experts pointed out that when he got the morphine the patient's blood pressure was 148/94, well above the hemodynamic parameters stated in the physician's order for the morphine and within the general standard of care for giving morphine to a trauma patient.

The hospital's medical expert went on to point out that hypotension related solely to narcotic administration can usually be reversed quickly with fluids, which was not possible here because this patient's hypotension was due to inevitable worsening of his internal abdominal bleeding which could not be controlled in time. **Tam v. Garfield Med. Ctr.**, 2014 WL 3590055 (Cal. App., July 22, 2014).

***The hospital's emergency department nurses were not negligent.***

***The nurses fulfilled their legal duties by timely and appropriately evaluating the patient, by timely and accurately complying with the physician's orders, including the order for administration of morphine which was timely complied with and in strict accordance with the blood pressure parameters of the order, and by keeping the physicians involved in the patient's care informed of all changes in the patient's condition.***

***The nurses were the ones who called the code when it became necessary.***

***The patient succumbed to his injuries from the auto accident, specifically internal fluid and blood loss and hemodynamic instability.***

***Hemodynamic parameters exist for administration of morphine and other narcotics with the potential to lower blood pressure.***

***The patient's blood pressure of 148/94 when he got the morphine was substantially higher than the parameters set by the standard of care and those given in the physician's orders to the emergency department nurses.***

CALIFORNIA COURT OF APPEAL  
July 22, 2014

## EMTALA: Visit With Nurse Practitioner Not A Violation.

A one year-old child was taken to the emergency department for a 105° fever and vomiting for which she had already been seen twice in three days in outpatient clinics.

A nurse practitioner saw her and discharged her without a physician's exam or a blood draw or a lumbar puncture.

Two days later she was brought back and diagnosed with meningococcal bacteremia and meningitis which have affected her profoundly.

The parents' lawsuit alleged a violation of the US Emergency Medical Treatment and Active Labor Act (EMTALA) and malpractice relative to the first emergency department visit.

***The US EMTALA requires the patient be offered an appropriate medical screening in the emergency department, comparable to the screening offered to other patients with similar signs and symptoms.***

UNITED STATES DISTRICT COURT  
CALIFORNIA  
August 12, 2014

The US District Court for the Southern District of California ruled that an emergency department exam by a nurse practitioner rather than a physician is not, in and of itself, a violation of the EMTALA.

Nevertheless, the Court dismissed the lawsuit only provisionally. The parents can amend their lawsuit if they have evidence that the nurse practitioner's exam and lab and diagnostic testing were not the same as the hospital offers to other emergency department patients with similar signs and symptoms, or if a physician's exam actually is included in the hospital's standard emergency screening, or if the nurse practitioner was guilty of malpractice apart from a violation of the EMTALA. **Morales v. Palomar**, 2014 WL 3943603 (S.D. Cal., August 12, 2014).