

## **MI: Nurses Aide's Negligence Cost Patient A Chance Of Survival.**

The sixty-five year-old Alzheimer's patient also suffered from Pick's dementia, a rare type of frontal-lobe disease. The family could not care for him at home and had to admit him to a nursing facility.

In the nursing facility he was placed on a number of medications to control the aggressive and anti-social acting-out associated with his diagnoses of dementia.

His physician ordered fifteen minute checks around the clock. The nurses aide on duty the night the patient died testified it was her understanding that only meant walking by the room and listening for any obvious signs of distress.

In fact, on the night in question no routine fifteen-minute check was done in the forty-five minutes before a nurse found the patient unresponsive and cold to the touch, having recently had a heart attack.

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***The medical testimony established that, even if the patient was over-medicated, his medications could not have caused his heart attack.***

COURT OF APPEAL OF LOUISIANA  
December 8, 2010

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The jury absolved the nursing facility from allegations of negligence, but the Court of Appeal of Louisiana threw out the jury's ruling.

The jury was right that even if the patient was over-medicated, that did not cause his heart attack. However, the real issue, which the jury was not allowed to consider, was whether the patient had a chance of survival, and what fraction of 100% that chance would have been, had the nursing personnel on duty the night he died checked on him as often as was ordered by the physician and found him in time to start CPR and call paramedics. The Court of Appeal ordered a new trial. **Braud v. Woodland Village**, \_\_ So. 3d \_\_, 2010 WL 5034412 (La. App., December 8, 2010).