

NG Tube, BP Medication: Court Finds No Nursing Negligence.

The sixty-eight year-old patient had been a paraplegic for twenty years and was confined to a wheelchair. She was prone to frequent bowel obstructions.

One morning at home she started vomiting and threw up her medications. She had shortness of breath, fever and sweating and was constipated. She had not had a bowel movement for four days and her abdomen was distended. Her daughter had her taken to the hospital by ambulance. A fecal impaction was removed and she was given a laxative and sent home.

Her daughter had her taken back to the same hospital E.R. at 8:30 p.m. A different E.R. physician admitted her on the advice of her long-term personal physician with whom the E.R. physician consulted by phone.

Within five minutes of her arrival on a med/surg floor a nurse called the patient's personal physician because her BP was 190/122. The physician ordered an NG tube for nausea and clonidine 0.2 mg orally every four hours if the diastolic pressure was greater than 100.

The nurses strictly followed the physician's orders while caring for the patient. They put the NG tube on continuous suction and removed 700 cc's of fluid. They also checked the BP frequently and gave the clonidine just as it was ordered.

The next p.m. a graduate nurse notified the charge nurse when the BP spiked at 210/134. The patient was sent to the ICU but already had brain damage from a hemorrhagic stroke. Life support was removed the next day and the patient died.

No Nursing Negligence

The Court of Appeal of Louisiana upheld the jury's verdict of no negligence.

The jury did not accept the family's nursing expert's opinion that the nurses should have concluded and reported that the BP medication was not working.

In fact, the diastolic was falling, although never below 100, before the critical spike in the BP. Nor was it the nurses' responsibility to question the physician's order for oral medication while the patient was on an NG tube or to decide on their own to give the meds through the NG tube. **Crockham v. Thompson**, ___ So. 3d ___, 2012 WL 5500307 (La. App., November 14, 2012).

A nurse from the hospital testified that she was familiar with this patient who was often in the hospital with the same symptoms from bowel obstructions.

This patient usually got relief from her symptoms of nausea by having her stomach contents suctioned through an NG tube.

This time the nurses were able to suction out about 700 cc's through the tube.

Giving medication through the NG tube, the nurse went on to say, would have meant shutting off the suction for about an hour, crushing the pill, mixing it with water in a syringe and pushing the mixture through the tube.

The nurses were not expected to determine and report that the oral clonidine was not working, because it takes time to build up and the BP's the nurses were getting every four hours per the physician's orders were showing some slight drop in the diastolic pressure.

The patient was actually feeling much better the a.m. before her stroke until a nurse noticed she was unresponsive and seizing.

Nor was there anything wrong with having a graduate nurse care for this patient.

COURT OF APPEAL OF LOUISIANA
November 14, 2012

Family And Medical Leave: Nurse's Rights Were Not Violated.

A nurse phoned the hospital and told her supervisor she would be unable to come in to work for an indefinite period of time because her daughter was being hospitalized for behavioral issues.

A few weeks after the daughter was discharged from her hospitalization the nurse phoned and said she would be back in two weeks. She returned and worked two days, then phoned in to say that she had to stay home to care for her daughter.

More than two months later, not having seen or heard from the nurse, the hospital mailed her a letter advising her that she had been terminated.

Federal regulations give the employer the right to expect an employee to follow the employer's procedures for requesting leave guaranteed to employees by the US Family and Medical Leave Act.

The employer can require the employee to request leave in writing and to state the anticipated duration of leave, if known, assuming there are no unusual circumstances making that impracticable.

UNITED STATES DISTRICT COURT
INDIANA
November 19, 2012

The US District Court for the Southern District of Indiana ruled there was no violation of the nurse's rights under the US Family and Medical Leave Act.

An employee's rights under the Act are contingent upon the employee complying with the employer's procedures for submitting leave requests, as much as such compliance is practicable, and that did not occur in this case. **Stone v. St. Vincent Hosp.**, 2012 WL 5844748 (S.D. Ind., November 19, 2012).