

LEGAL EAGLE EYE NEWSLETTER

April 2000

For the Nursing Profession

Volume 8 Number 4

Noncompliance: Problems, Interventions Documented, Liability Lawsuit Dismissed.

The fifty year-old patient was receiving care in a nursing facility following two disabling strokes nine years earlier. He had to go into the hospital for a femur fracture secondary to his severe osteoporosis.

He returned to the nursing facility with ulcerated bedsores on his buttocks. The nurses detected the problem immediately, charted the extent of it and notified his personal physician. At the staff nurses' suggestion the physician brought in an enterostomal specialty nurse from a local hospital. Also at their suggestion an air mattress was ordered, obtained and implemented.

The specialty nurse visited sixteen times. Each time she carefully documented her care in the nursing progress notes. The patient was highly noncompliant. It worsened to the point they had to readmit him to the hospital for surgical trimming and a skin graft.

The patient's decubitus ulcers eventually healed completely. But he sued nevertheless, claiming his nurses' negligence had delayed his healing.

The Supreme Court of Iowa dismissed the case, based largely on the specialty nurse's sworn legal affidavit. In her legal affidavit she just reiterated what she had charted in her meticulous nursing progress notes.



The nurse whose specialty care led to eventual healing of the patient's low-back decubitus ulcers reiterated her detailed progress notes in her sworn affidavit for the court.

The staff nurses acted to the best of their ability with a patient who was noncompliant with their efforts to position him correctly and turn him.

The patient's lawsuit must be dismissed.

SUPREME COURT OF IOWA, 2000.

She had noted that the patient insisted on remaining flat on his back with the head of the bed slightly elevated. He refused to lie on his side. Her notes indicated although she and the staff nurses educated and encouraged the patient in pressure-reduction measures, he was still noncompliant and it was delaying his healing.

She had charted that when the staff nurses attempted to turn him on his side, he would blink his eyes, shake his head, become very upset and would sign the word "No" on his alphabet board when able.

She had charted that again and again she and the staff nurses implored him if he did not stay off his back the ulcers would continue to deteriorate to the point they might never heal, while he responded again and again by blinking "No" and by shaking his head.

The nursing director also signed a legal affidavit that helped the court to rule favorably. She explained the facility's practices for positioning and turning patients. More importantly, from the nurses' progress notes she could swear under oath the nurses had repeatedly tried to implement those practices with this particular patient. **Thompson v. Embassy Rehabilitation and Care Center, 604 N.W. 2d 643 (Iowa, 2000).**

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