

LEGAL EAGLE EYE NEWSLETTER

October 2002

For the Nursing Profession

Volume 10 Number 10

Post-Operative Orders: Court Rules The Nurses And The Physician Were At Fault.

The patient had suffered an orbital blowout in an auto accident, an injury in which the skull is fractured near the orbit of the eye.

The injury required two surgeries. After the first surgery the surgeon wrote specific post-operative orders for the nurses.

After the second surgery, three and one-half months later, only very general post-op orders were written. The orders did not instruct the nurses to look for specific signs or symptoms of complications or define when the nurses needed to phone the surgeon.

During the night the patient began to have severe pain. It quickly progressed to extreme pain with swelling in and bleeding from the eye.

The night nurse had extensive experience in post-operative care of ophthalmic cases but she did not know that for this specific surgery any pain beyond minimal discomfort and any swelling or bleeding are highly abnormal complications, according to the Supreme Court of Delaware. The court was also alarmed that no nurse thought to check the sight in the eye.

The nurses only followed very general protocols for post-operative care, under which pain, bleeding and swelling are to be expected.



The acts and omissions of the physician and the hospital's nurses were intertwined. They both failed to provide adequate post-operative care.

The physician should have given specific instructions for when he was to be phoned.

The nurses, having received no such specific instructions, should have called to ask for such instructions.

SUPREME COURT OF DELAWARE

September 4, 2002

The next morning when the surgeon came in for regular rounds he detected a significant problem and re-operated immediately. It was too late to save the eye from the effects of excessive internal fluid pressure.

Physician and Nurses At Fault

The court ruled a nurse is responsible for knowing the normal and expected post-op course for the specific procedure that has been done with any patient being cared for. Pain, bleeding, swelling and compromised sight were abnormal and unexpected post-op complications for this patient.

The physician is nonetheless responsible for writing orders for the nurses that delineate normal and abnormal sequelae and define the signs and symptoms or severity of symptoms which mandate the physician be called.

When there are no specific post-operative orders from the physician, the court ruled, it is a nurse's responsibility to contact the physician and obtain orders what to watch for, what is normal and expected, what is not normal and not expected and what to do when abnormal complications arise. A nurse must obtain guidance for the specific procedure. **Lupinacci v. The Medical Center of Delaware, __ A. 2d __, 2002 WL 31006263 (Del., September 4, 2002).**

Inside this month's issue ...

October 2002

[New Subscriptions](#)

Page 3

Post-Op Orders - Veganism/Mumps Vaccine/Religious Discrimination
Sexual Assault/Psych Unit/Patient Photos/Medical Confidentiality
Nursing Home/Patient Falls - Nursing Home/Patient Wanders
Back Injury/Light Duty/No Lifting/Disability Discrimination
CDC/Guideline For Prevention Of Healthcare-Related Pneumonia
OSHA/Musculoskeletal Injuries/Ergonomic Guidelines
Transfer/Wheelchair To Commode/Rehabilitation Nursing
Hepatitis C/Worker's Comp - Nursing Home/Visitor Slips And Falls