

# LEGAL EAGLE EYE NEWSLETTER

December 2015

*For the Nursing Profession* Volume 23 Number 12

## Post-Operative Complications: Court Throws Out Jury's Verdict For Nursing Negligence.

Three days after a lumbar laminectomy, one day after his discharge home from the hospital, the patient had to be taken back to the hospital in an ambulance.

There had been a sudden onset of pain in his back and then loss of sensation in his lower extremities and he could not walk or even stand up.

At the hospital the emergency department nurse found that he was wet under the blankets, meaning he was incontinent of urine, he could barely raise his legs off the gurney and he had little if any sensation in his feet.

A CT ordered by the physician which was reviewed by a radiologist and the neurosurgeon at home showed a small hematoma near the spine in the lower back, likely left over from the epidural he was given for pain control after his spinal surgery.

The emergency department physician wrote orders for the patient's nurses for neurovascular checks every two hours.

The physician's orders also indicated that the nurses were to call the admitting physician, that is, the neurosurgeon, if there were any questions or problems or if there was any change in the patient's status.

At 12:15 a.m. the patient was moved to a medical/surgical floor.



***The 10:00 a.m. myelogram CT showed that the spinal hematoma diagnosed the evening before was now crippling cauda equina syndrome.***

***However, the patient's outward neurovascular signs had not changed on the med/surg floor after he left the emergency department at midnight.***

***There is no evidence of nursing negligence.***

SUPREME COURT OF ALABAMA  
November 13, 2015

The patient's med/surg nurse took report by phone from the emergency department nurse, assessed the patient and then did the required neurovascular checks throughout the night.

The a.m. nurse took report from the night nurse at 7:00 a.m., performed her own assessment and did the neurovascular checks until the surgeon came in.

At 10:00 a.m. the neurosurgeon came in and ordered a myelogram CT which disclosed that the small hematoma diagnosed in the emergency department the evening before was now cauda equina syndrome.

Surgery was belatedly performed at 2:00 p.m. and was unsuccessful in reversing permanent paralysis.

A jury awarded \$7.5 million from the hospital for the nurses' alleged negligence. The Supreme Court of Alabama threw out the verdict on appeal.

The only evidence as to the nurses' conduct was their own testimony that they understood and complied with the physician's orders to check the patient as ordered and report any changes.

The whole night on the med/surg floor he was incontinent, could barely move his legs and lacked full sensation in his feet, no outward change from his status when he came on the unit. ***Brookwood v. Borden***, \_\_ So. 3d \_\_, 2015 WL 7104619 (Ala., November 13, 2015).

Inside this month's issue...

December 2015

New Subscriptions  
See Page 3

Post-Surgical Complications/Neurovascular Checks/No Negligence  
Medication Transcription Error - Plasmapheresis Nurse  
Central Line Removal/Nursing Negligence - Visitor's/Patient's Falls  
Post-Hospital Skilled Nursing Services/Medicare Eligibility  
Nurse/Age/Disability/Discrimination/Retaliation/Termination  
Nurse/Hearing Disability - Nurse/Patient Abandonment - Religion  
Hospital Discharge Planning/Proposed New CMS Regulations  
Correctional Nursing - Home Health/Medicare Eligibility