

Prison Nursing: Court Sees No Deliberate Indifference To Serious Medical Needs.

A state prisoner in Texas sued two nurses, a physician's assistant, a physician and the University of Texas Health System which provided health care in the institution.

He had a mild heart attack. A nurse in the prison clinic did three EKG's over a two hour period and did not release him to his cell until a normal EKG was obtained.

A second nurse gave him medications for indigestion, as he was complaining of symptoms of indigestion, after another EKG was non-specific for cardiac signs.

A prisoner incarcerated in a state or federal institution can sue for violation of his Constitutional rights if a doctor, nurse or other healthcare provider has been deliberately indifferent to the prisoner's serious medical needs, that being considered a form of cruel and unusual punishment outlawed by the 8th Amendment.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
February 15, 2006

Even if the second nurse was negligent in her diagnosis, the nurse did treat him appropriately for the condition she genuinely believed he had. Care from the first nurse was completely appropriate. The US Circuit Court of Appeals for the Fifth Circuit ruled the suit was frivolous. Holloway v. Oguejiofor, 2006 WL 346304 (5th Cir., February 15, 2006).