

## **Nursing Homes: Prompt Transport To Hospital Is Required.**

The eighty-five year-old nursing home patient's admitting diagnoses included chest pain, new-onset diabetes mellitus, urinary tract infections, agitation, confusion, congestive heart failure, coronary artery disease, hypertension, mild hypothyroidism and a history of transient ischemic attacks.

At 7:15 a.m. he started looking pale. His O<sub>2</sub> sat was low so he was started on oxygen at 8:15 a.m. The doctor saw him at 8:30 a.m. and decided to send him to the hospital. A convalescent transport van came at 9:30 a.m. and took him to the emergency room where they admitted him.

At 7:05 p.m. he died in the hospital. The causes of death were ruled a heart attack, cardiopulmonary arrest, probable sepsis, low oxygen, low blood pressure and low heart rate.

### **Nursing Home's Legal Duty To Send Resident to a Hospital**

The Court of Appeals of North Carolina agreed in general terms with the premise behind the family's lawsuit.

A nursing home's nursing staff and the resident's physician have a legal duty to see that a resident who needs to go to the hospital for care is promptly sent to the hospital.

If those responsible for a resident's care delay sending their patient to the hospital and their delay harms the resident, those responsible can be sued for damages by the resident or the resident's family.

However, according to the court, the evidence in this case was not strong enough to support a lawsuit for damages for the family against the nursing home.

It was far from clear that rushing him to the hospital early that morning would have made any real difference in his medical status or delayed his passing, the court believed. **Franklin v. Britthaven, Inc., 2006 WL 2947295 (N.C. App., October 17, 2006).**