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LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Quadriplegic Falls From Exam Table: Court Finds Nurse And Doctor Negligent.

The patient had been a quadriplegic for nineteen years and for more than nineteen years had been a patient of the physician in question.

He came to the physician's office to have a mole removed from the side of his head.

After this routine procedure the nurse and physician left him lying on his back on the examining table.

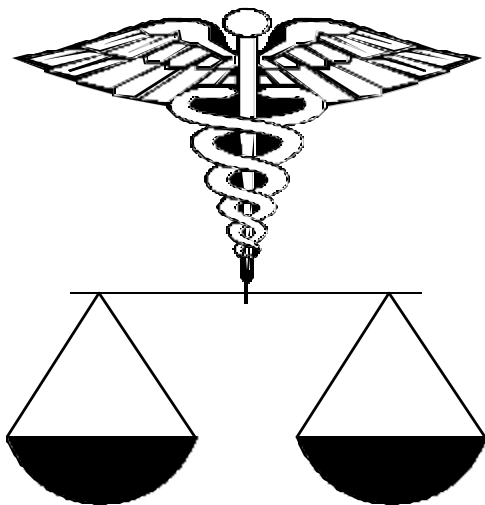
He fell from the table and soon died from his injuries from the fall. The patient's wife sued the physician and nurse. The jury sided with the physician and nurse.

On appeal, however, the Superior Court of Pennsylvania, overruled the jury, found the physician and nurse negligent and sent the case back for another jury only to assess how much compensation to award.

How, Why Did the Patient Fall?

The patient was incapable of voluntary movement. Expert witnesses testified quadriplegics can experience involuntary spasmodic movements, although there was no proof that that happened here or that if it happened such involuntary spasms would have had sufficient magnitude to move him off the table.

The bottom line was it was not legally relevant how or why he fell.



A quadriplegic should never be left unattended with no side rails or restraints.

It was not clear how or why he fell off the exam table. He could not move on his own.

When a helpless patient is injured like this the nurse or doctor responsible for the patient is legally liable unless they can explain to the court why they were not negligent.

SUPERIOR COURT OF PENNSYLVANIA

April 23, 2004

The Superior Court needed only the common-sense idea that a quad would not normally fall off an exam table without someone being negligent.

No one other than the nurse and physician had access to the patient during the relevant time period.

There was no evidence of involuntary spasm. Even if that happened it was no defense. The nurse and physician would be expected to anticipate it.

Burden of Proof Reversed

As a general rule in medical negligence cases the patient has to prove how the healthcare providers were negligent.

In special cases involving basically helpless patients who are injured those responsible for the patient's care must be able to prove they were not negligent or risk liability in a civil lawsuit.

The legal rule for these cases is, "*Res ipsa loquitur*," which means, "It speaks for itself." The rule is most often applied in cases of unexplained injuries to anesthetized surgical patients.

The lack of proof how this helpless patient fell helped the family in court. His caregivers were ruled negligent because they could not prove otherwise.

Quinby v. Burmeister, 2004 PA Super 135, __ A. 2d __, 2004 WL 869575 (Pa. Super., April 23, 2004).

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