

Patient Falls: Court Agrees With Jury That Rehab Hospital's Nursing Staff Were Not Negligent.

A patient sued a rehabilitation facility. Her lawsuit contained complex allegations of medical malpractice by the facility's physicians.

The lawsuit also claimed the facility's nurses' aides were negligent and thus responsible for a femur fracture the patient claimed was caused by a fall in her room.

The Court of Appeal of Louisiana carefully reviewed the records of the patient's care and upheld the jury's verdict that there were no grounds for a lawsuit against the facility.

Fall Risk Assessment

The eighty-two year-old patient was admitted for debility and weakness suggesting she had had a recent stroke.

The nurses placed her in a room four doors down from the nursing station, the closest room available at the time.

The nursing assessment was that the patient was alert and oriented. Before she fell she had demonstrated to the nurses that she could and would use her call bell to ask for assistance to ambulate.

The court said this was not a confused patient who required constant attention from a sitter or family members in her room, as alleged in the lawsuit.

The facility's policy was correct that a patient who has fallen and has a limb in an unnatural position or a painful area should remain undisturbed until a physician is summoned.

However, in this case the patient's left leg, in which the femur fracture was diagnosed six days later, was straight out in front of her; it was not in an unnatural position.

The nurse who straightened her right leg documented she asked the patient and the patient reported no pain in either knee or leg.

There is no indication the patient was injured from being eased to the floor.

For six more days the patient had exercises in physical therapy for the left knee that was already swollen on admission, which is inconsistent with a fresh femur fracture.

COURT OF APPEAL OF LOUISIANA
October 26, 2005

Circumstances of the Fall

The patient was being assisted to the bathroom by two aides. It was true, as alleged in the lawsuit, that one of the aides was seven months pregnant, but the court noted that was why there were two aides.

When the patient's legs gave out, the aide directly behind the patient eased the patient gently the floor as she had been trained. The other aide went for a nurse before the aides tried to move or even reposition the patient on the floor.

The court said the aides' actions were completely within the standard of care. The court discounted the allegation that a transfer belt should have been in use as even if a transfer belt were in use it would not have made any difference.

Post Fall Assessment / Documentation

The nurses who came to help the patient documented in the nursing notes that the patient's left leg was straight out in front of her and her right leg was bent at the knee before the nurses straightened her leg so she could lie back on the floor. No pain was evident as the nurses straightened her leg and moved her back to bed.

According to the court, a patient with a fresh femur fracture would obviously be having intense pain. A deformity of the femur would perhaps be apparent from gross visual observation.

Nursing facilities must notify the physician of any change in a patient's health status, including injuries from a fall, but the court said that begs the question whether the patient was actually injured. ***Murphy v. Bernice Community Rehab Hosp.***, ___ So. 2d ___, 2005 WL 2757511 (La. App., October 26, 2005).