

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Respite Care: Nursing Assessment Faulted, Verdict Upheld For Fractured Hip From Fall.

The couple contacted the nursing facility to make arrangements for one week's respite care for the husband's father while they went on vacation. The seventy-nine year-old gentleman had been living with them in their home for almost two years.

A marketing representative went to visit the prospective resident in the son's home and filled out a level-of-care form.

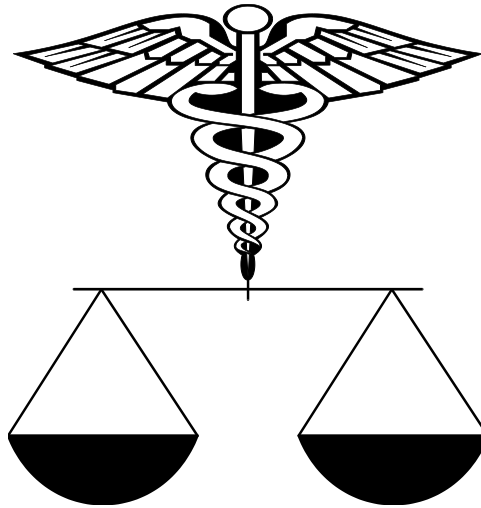
The data entered on the form indicated the man would need full staff assistance with bathing and dressing and changing the adult diapers wore for incontinence. He also required standby assistance or supervision with transfers.

Assessment Data

Not Communicated To Nursing Staff

The marketing representative testified in court he believed he did not communicate with the director of nursing about this resident's care needs and he was not sure what happened to the level-of-care form he filled out during the home visit.

The director of nursing testified the practice at the facility was to put the marketing representative's level-of-care form in the resident's financial file, not in the medical chart, as it was considered part of the process of pricing the daily cost of his stay rather than assessing his care needs.



Neglect is the failure to provide adequate medical or personal care which results in injury to a resident or in the deterioration of a resident's physical or mental condition.

The facility's policy was to require a nursing admission checklist within 24 hours, the first item being checking and orienting the resident to use of the call light.

APPELLATE COURT OF ILLINOIS
April 11, 2012

The Appellate Court of Illinois approved the jury's verdict for the patient against the nursing facility.

No Nursing Assessment on Admission

The nurse on duty the afternoon shift when he came in testified that she never saw the level-of-care form. She just assumed the resident was independent with mobility and transfers.

The nurse working that same night testified that at 11:00 p.m., one hour into her shift, the resident was still lying on top of the covers on his bed, continuing as he had during the afternoon shift to refuse even to remove his coat.

At 12:25 a.m. night nurse found the resident on the floor, still fully dressed and wearing his coat. He said he hurt his hip. The night nurse checked his call light and found it was not working.

The son and daughter testified his short-term memory had been completely gone and they had been afraid to leave him alone in the home even briefly for fear he would hurt himself or accidentally start the house on fire.

The nursing home's physician testified that an abrupt change to an unfamiliar living environment can acutely exacerbate problems with orientation and judgment in a person already suffering from dementia. ***Graves v. Rosewood Care Ctr.***, ___ N.E. 2d ___, 2012 WL 1112232 (Ill. App., April 11, 2012).

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