

LEGAL EAGLE EYE NEWSLETTER

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Saline Lock Left In At Discharge: Court Overturns Jury's Verdict Against Nurses.

A patient came to the hospital's emergency room complaining of a boil on his buttocks.

Before excision of the boil an experienced nurse placed a saline lock in his left forearm for administration of Versed during the procedure. It was later used for IV Demerol.

The patient was discharged less than three hours after admission, with the saline lock still in place.

According to the hospital chart the patient's mother phoned fifty minutes after discharge. The nurse who had cared for him told her to bring him right back to have them remove the saline lock.

The mother hung up. The nurse promptly told his charge nurse. The charge nurse called the family back but got no answer. She did get hold of the mother that evening. The mother said she removed the saline lock herself because her son had no ride back to the hospital to have it removed.

Negligence Admitted

The hospital admitted the patient should not have been discharged with the saline lock still in. A jury awarded \$35,000 for a median nerve injury to the arm. The Court of Appeal of Louisiana overruled the jury, believing the nurse caused no injury to the patient.



The hospital admitted it was below the standard of care to discharge this day-surgery patient with the saline lock still in his arm.

However, that still left open the question whether or not that fact harmed the patient.

The testimony of the nurse who inserted the saline lock was more believable than the patient's testimony.

COURT OF APPEAL OF LOUISIANA
February 19, 2003

Nurses Corrected the Error

Although it is negligent to discharge a patient with a saline lock still in place absent any medical order to do so, the patient still had to prove that negligence caused injury. The Court of Appeal believed the nurses were completely correct telling the mother to bring him right back and did not believe he could not get back to the hospital as he admitted himself he came back and got his car early that evening.

Nerve Injury Disputed

The Court of Appeal noted both sides' medical experts agreed a nerve injury from a needle or catheter is obvious to the patient immediately, giving the nurse an indication to withdraw and reposition it. The patient's story was not believable, that he did not notice a problem until two weeks later.

Patient's Story Not Believable

The patient's nurse had done four to five thousand saline locks, usually in the forearm. It was his routine to chart "AC" in the rare cases where the lock was placed in the antecubital fossa. The Court of Appeal believed the lock plainly was not placed in the inside crease of the elbow as the patient and his mother testified. **Burns v. UHS of New Orleans, Inc., ___ So. 2d ___, 2003 WL 549037 (La. App., February 19, 2003).**

Inside this month's issue ...

April 2003

New Subscriptions Page 3

**Saline Lock/Left In At Discharge - Nursing Home Placement
Nursing Home/Arbitration Clause - Nursing Home/Arbitration Contract
Medical Confidentiality/Charts Copied/Faxed To Lawyer - Slander
Operating Room/Restraint/Peroneal Entrapment - Back Condition
CDC/MMR Vaccine - Worker's Comp/Fall In Parking Lot
Malpractice/Nurse Practitioner As Expert Witness - Surgical Stapler
Medical Records/Quality Assurance/Confidentiality/Subpoenas
Lab Results/Computer/No Printout In Chart - MVA/Nurse On Errand**