

LEGAL EAGLE EYE NEWSLETTER

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For the Nursing Profession

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Patient's Seizure: Court Rules Nurse's Slow Response Is Neglect Of A Vulnerable Adult.

The nursing home resident herself reported to the nursing staff she had had a seizure lasting about two minutes at 6:15 a.m.

At 7:00 a.m. the same morning a CNA entered the resident's room, saw her arms and legs twitching and went into the hallway and asked for help from the first registered nurse to be found.

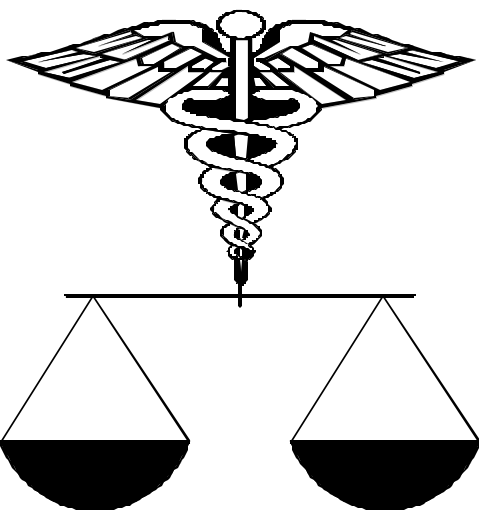
Although not assigned to care for this resident the RN went in immediately, quickly assessed the resident and lowered the bed so the resident would not injure herself.

Then the RN went to the nurses station, told the charge nurse she did not know what to do and asked the charge nurse for direction.

The charge nurse told her to go back to the room and activate the resident's vagal nerve stimulator.

The RN spent fifteen minutes reviewing the patient's chart trying to familiarize herself with the procedure for external activation of the implanted vagal nerve stimulator before she finally did what she had just come to understand was needed to activate the device.

The RN then watched and waited ten more minutes while nothing appeared to be happening to halt the seizure. Then she phoned and left a message for the on-call neurologist.



Neglect includes failure by a caregiver to supply a vulnerable adult with care or services reasonable and necessary to maintain physical or mental health or safety.

A vulnerable adult is an individual in a nurse's care who has a physical or mental infirmity that impairs the individual's ability to care for himself or herself.

COURT OF APPEALS OF MINNESOTA
May 21, 2008

The neurologist called back five or ten minutes later and told the RN to call 911 and get the resident to an E.R.

When the paramedics arrived the patient was unresponsive in a generalized tonic-clonic seizure. She had a 103° temp, 166 pulse and low blood O₂ sat. The paramedics cleared the airway, started O₂, gave IV meds to halt the seizure and transported the resident to the hospital where she was admitted to the ICU in critical condition.

After Three or Four Minutes Nurse Must Ask For Assistance

The Court of Appeals of Minnesota agreed with the state department of health adjudicators that when a seizure has lasted at most three or four minutes a nurse must call for emergency medical assistance. According to the court, at that point a nurse must realize that what he or she has been doing for the patient is not working and the patient is in grave danger.

The RN's own testimony was clear evidence, the court said, that forty minutes elapsed from the point when the CNA first brought the crisis situation to the RN's attention before emergency paramedics were called and that ten more minutes elapsed before the paramedics arrived, stabilized the situation and took the patient to the hospital for critical care. **Charles v. Dept. of Health, 2008 WL 2168270 (Minn. App., May 21, 2008).**

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