LEGAL EAGLE EYE NEWSLETTER

February 2002 *For the Nursing Profession* Volume 10 Number 2

Side Effects Of Meds: Motorist Injured In Accident With Patient Can Sue Hospital.

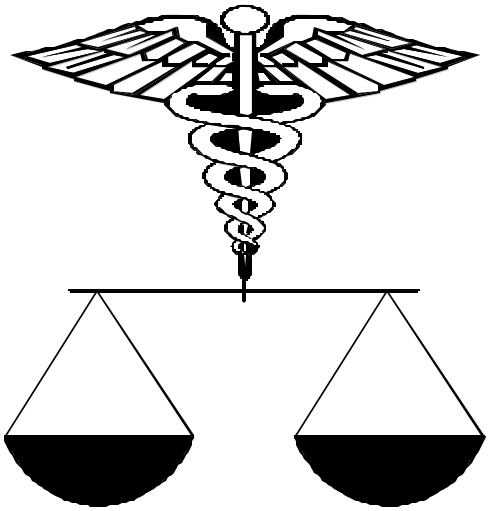
A patient came to the hospital's emergency department complaining of a headache.

According to the Supreme Court of Missouri, after an initial assessment the patient was given an intravenous dose of five milligrams of Compazine, a non-narcotic medication commonly used to treat nausea.

Soon afterward she left the emergency department without telling anyone and without anyone noticing she was leaving. Consequently she was not given an appropriate discharge assessment or warnings that Compazine is commonly known to cause drowsiness, dizziness and hypotension.

On the way home her vehicle crossed the centerline of a state highway and struck another vehicle head-on causing injuries to the driver of the other vehicle. The driver of the other vehicle sued the hospital.

The court ruled in general terms there are grounds for a lawsuit in this situation. Medical personnel can have legal responsibilities to persons other than their own patients. Emergency room physicians and nurses have a legal duty to inform, assess, monitor and supervise their patients. That is a legal duty they owe not just to their patients but to others as well.



A motorist was injured in a motor vehicle collision with a patient who was on her way home from the hospital's emergency department.

The motorist's lawsuit alleged medical malpractice by the hospital's emergency room staff in failing to inform the patient of possible side effects, failing to assess her, monitor her and keep her from leaving prematurely.

SUPREME COURT OF MISSOURI, 2001.

At the same time the court ruled that a third party injured by a patient has to prove in more than general terms that the patient's caregivers were negligent. Their errors and omissions have to be proven as the specific cause of harm to the injured party.

In this case a civil jury was unable to reach a verdict one way or the other whether the hospital's emergency room staff were negligent or whether their negligence caused the accident.

Then, however, rather than declaring a mistrial and ordering a new trial, the judge threw out the case on the basis of the statute of limitations. That is, assuming it was a case of medical malpractice, or the injured party at least was claiming medical malpractice, the lawsuit was filed after the two-year statute of limitations in Missouri had elapsed.

The Supreme Court of Missouri agreed. In general terms there are grounds for a lawsuit by a third party injured as the result of a patient's caregivers' neglect, if cause and effect can be proven. The flip side is that neglect by caregivers is medical malpractice, for which most states' statute of limitations is shorter than for ordinary negligence. **Robinson v. Health Midwest Development Group, 58 S.W. 3d 519 (Mo., 2001).**

Inside this month's issue ...

February 2002

New Subscriptions
Page 3

Meds/Side Effects/MVA - Psych/Medication Non-Compliance
Psych/Danger To Self/Overt Act - Psych/Decompression
Home Health/Medicare Form Backdated - Labor Arbitration/Appeal
Labor Relations/Strike-Related Expenses/Medicaid/Nursing Homes
CNA Assaults Resident/Second Episode - Threats Of Violence
Emergency Room Nurse/No EKG - Surgical Wound/Dehiscence
Suctioning/CNA Disregards Orders - Discrimination/Civil Rights
Wheelchair Broken - Computer Records - Fall In O.R. - CRNA