

Patient Suicide: Nursing Facility Fined Over Failure To Supervise.

Federal regulations require a nursing facility to ensure that each resident receives adequate supervision and assistance devices to prevent accidents.

Based on his behavior, his mental health evaluations and the requirements of his care plan, it was foreseeable that some sort of harm could come to this resident if her was not closely monitored and supervised at all times.

That evening the psychiatrist had to increase his antipsychotic medication and the nurses had to give him Ativan for his agitation and phone his physician.

Nevertheless, he was allowed to leave the building alone and unsupervised.

He was found in the parking lot having hanged himself from the fence with his own belt.

UNITED STATES COURT OF APPEALS
NINTH CIRCUIT
November 26, 2013

A man was taken to a hospital after he tried to kill himself by jumping in front of a car.

He was treated for his orthopedic injuries and voluntarily admitted himself for psychiatric care. He was discharged to a skilled nursing facility after a month.

In the skilled nursing facility a psychiatrist found him stable although suffering from hallucinations and delusions.

The nursing care plan in his chart had "suicide watch at all times" penned prominently in red ink.

The patient became increasingly agitated and started bouncing in his wheelchair, apparently trying to hurt himself by bouncing out of the chair onto the floor.

When the nurses notified his physician he wrote a note the patient was to be sent to the E.R. if he did not stop. He was sent to the E.R. but discharged back to the nursing facility the next day. Back in the nursing facility his sister reported to the nurses that he was getting increasingly delusional.

The next day the psychiatrist believed it was necessary to up his dosage of antipsychotic medication. That evening the nurses had to give him Ativan to calm his agitation and to stop him bouncing and they phoned and left messages for his physician.

Later that night he was allowed to leave the building alone and unsupervised to smoke. He was later found dead hanging from his belt on the parking lot fence.

The US Court of Appeals for the Ninth Circuit (California) upheld a large fine levied by state survey inspectors. Del Rosa Villa v. Sebelius, __ Fed. Appx. __, 2013 WL 6172067 (9th Cir., November 26, 2013).

Reasonable Accommodation: Nurse Has Basis For A Lawsuit.

An advanced practice registered nurse practitioner who specializes in critical care suffers from a neurological condition which required electrodes to be permanently implanted in her head for deep brain stimulus treatments.

The nurse is sensitive to electromagnetic radiation and cannot be near magnetic resonance imagining systems.

The hospital honored her request for reasonable accommodation to her disability by agreeing she could work exclusively in the hospital's cardio-thoracic intensive care unit.

However, the nurse was mistakenly assigned to the medical intensive care unit and her work assignments were frequently cancelled.

The New York Supreme Court, Appellate Division, ruled the hospital was on solid legal ground for engaging in an interactive communication process and reaching an agreement to an appropriate reasonable accommodation, but not on solid legal ground and potentially guilty of discrimination if it was not holding up its end of the agreement. Serdans v. New York and Presbyt. Hosp., __ N.Y.S.2d __, 2013 WL 6283927 (N.Y. App., December 5, 2103).

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