

Patient Transport: Hospital Failed To Assess Need For Restraint, Patient Fell.

A medical facility has the responsibility to train non-licensed personnel to appreciate safety concerns involved in transport.

That is, non-licensed staff transporters must realize that patient assessment by a professional staff member and instructions from that staff member for a stroke patient's safety should be sought out before patient transport is undertaken.

Prior to transporting a patient from one area of the facility to another facility personnel must assess the patient's need for restraints to keep the patient safe during the transport.

The professional staff person making that assessment must be familiar with the particular patient's history and with the general safety needs of recent stroke victims.

SUPERIOR COURT OF PENNSYLVANIA
January 8, 2007

The patient came to the hospital's emergency department following a stroke. The decision was made to admit her on an acute-care unit.

While being transported in a hospital bed from the emergency department to the unit by non-licensed personnel the patient fell out of bed, struck her head and suffered an orbital fracture and a closed head injury. She died from a subdural hematoma three days later.

Professional Negligence versus

Ordinary Negligence

The family sued for negligence. Paradoxically, the case was decided in favor of the hospital. The Superior Court of Pennsylvania ruled it was a case of professional negligence, not ordinary negligence. That is not an idle distinction.

In Pennsylvania, like many US jurisdictions, a case of professional negligence requires an affidavit from the patient's or family's lawyer that an expert witness's testimony is available to support the case.

The family's lawyer characterized the case in the court papers as one of ordinary negligence, like a slip-and-fall due to an over-waxed slippery fall, and did not provide any indication that a medical expert had been consulted.

The court ruled it was basically a professional negligence claim, that expert testimony was necessary but was not provided, so the case should be dismissed. ***Ditch v. Waynesboro Hosp., __ A. 2d __, 2007 WL 38387 (Pa. Super., January 8, 2007).***