

Transfer: Patient Should Not Have Been Allowed To Bear Any Weight On Her Leg.

The physician's progress note indicated the eighty-one year-old patient inadvertently put weight on her left leg during a transfer, twisted it and heard a pop. The surgical internal fixation of her left femur fracture came apart and had to be redone.

The patient's chart referenced the injury only with hearsay in the physician's note to the effect an aide had said the patient was transferring off the bedside commode to her wheelchair when it happened.

The physical therapist had beforehand written a progress note that the patient had no control of her left leg during transfer maneuvers and required two-person maximum assistance.

The rationale for requiring two-person assists in all transfers was that this patient was not to bear any weight on her left leg.

She had fractured her left femur in a fall at home and had undergone open reduction and internal fixation at the hospital before being moved to the rehab facility.

COURT OF APPEALS OF TEXAS

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The Court of Appeals of Texas accepted the patient's nursing expert's opinion that the patient's care at the rehab facility fell below the standard of care because the facility did not supervise its staff to ensure that the patient received competent assistance during transfers.

The Court threw out the facility's argument that a medical expert could not say definitively that undoing of the internal fixation was caused by weight bearing on the leg during a transfer. **Clear Lake Rehab v. Karber**, ___ S.W.3d ___, 2010 WL 987758 (Tex. App., March 18, 2010).