

Providing an edge to the medical litigation concerns of the legal community



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■ **The Legal Nurse Consultant's role**
 Sometimes medical cases are complex, and elaborate time lines and chronologies must be constructed to help find causation. Sometimes fatalities are all too simple, as in the lead story, below.

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- Medical Record Organization, Review and Analysis
- Identification of Standards of Care
- Brief Summary Report
- Medical Chronology
- Expert Witness Location
- Medical Literature Research

Simple hygiene errors can have disastrous results

Meningitis kills a baby. Would your medical record reviewer have caught the cause of it?

By Margaret S. Wacker, RN, PhD, CLNC

- Studies have demonstrated that patient touches and hand washing practices are suboptimal across all areas of patient care despite clear directives from the Centers for Disease Control (CDC).

• A story in the June 15, 2004 issue of Bottom Line Personal said that about 10 percent of hospital patients become infected during a hospital stay. In a story in Bottom Line Health from July, 2004, it was reported that nurses wash their hands more often than do doctors. The belief is that nurses are better trained in hygiene.

- **A tragic example:** Five-week-old baby Elizabeth received her second hepatitis inoculation at her first well baby visit. Later that day and all of the next day she became irritable. She wouldn't take any formula and ran a fever of 102°F. Her mother thought she was reacting to the hepatitis injection. That night Elizabeth suddenly became critically ill with a fever of 104°. She was flaccid. Her fontanel (soft spots in skull) were bulging; she was unable to respond. "Mrs. A" took her to the nearest emergency room. A spinal tap was performed and she was sent by ambulance to a pediatric hospital. Elizabeth had late-onset Group B Streptococcal (GBS)

Author's note: We are requesting the health records of all infants who occupied the nursery during Elizabeth's stay. We are seeking the names of all personnel who had access or provided care to infants during that time, and are seeking administrative policies regarding identification and treatment of infected personnel. Preliminary evidence suggests a nosocomial (by a health care worker) causation.

meningitis. After two and a half weeks in a pediatric intensive care unit, she died.

- GBS is the leading bacterial infection causing illness or death

or permanent disability in newborns. Prenatal screening is essential for preventing this disease. Women who test positive for GBS colonization during screening between the 35th and 37th weeks of gestation or who are at high risk for GBS must receive intravenous antibiotics during labor. The mother tested negative for Beta strep. GBS can be easily transmitted when strict medical asepsis and hand washing are not implemented. How was the mother to suspect that her baby was at risk? How could Elizabeth have become infected?

- Physicians, nurses and visitors in nursery and neonatal ICU settings continue to be remiss in their hand washing. One study demonstrated that hands become progressively contaminated during neonatal care. It also identified the need for hand hygiene after a sequence of care, before starting a different task and after glove removal. Another study demonstrated that each neonate or his or her environment is touched 78 times per shift. That is 78 opportunities to contract a serious and often fatal bacterial disease.

• Elizabeth's preventable death underscores the need for administrative action to ensure acceptable practice by mandating strict adherence to CDC guidelines.

Margaret Wacker is a legal nurse consultant colleague based in Florida. This article is not intended as legal advice.



Blah, blah...

"We talk on principle, but we act on interest."
 — Walter Savage Landor

"The less you talk, the more you're listened to."
 — Abigail Van Buren

"Wise men talk because they have something to say, fools talk because they have to say something."
 — Plato

"Talking about bulls is not the same as facing them in the ring."
 — Mexican Proverb

"You may talk too much on the best of subjects."
 — Ben Franklin

MEDICAL & LEGAL ISSUE QUICK FACTS

• About 12 percent of passenger aircraft have water that failed recent EPA safety tests. — EPA

• An Oregon federal appeals court has upheld the state's law permitting doctor-assisted suicides. — RN

• Twenty percent of drugs approved by the FDA from 1975 to 1999 have been withdrawn or have been required to have warning labels about risks. — JAMA

• Several Alabama clinics filed a lawsuit in July stating that nine pharmaceutical companies have been overcharging public clinics and hospitals as much as \$500 million per year since 1992. — Modern Healthcare

• In a recent New York case, a nurse and hospital were held liable for injuries caused by unruly kids in an ER waiting room. — Legal Eagle Eye Newsletter

• In another New York case, a woman recovered emotional distress damages when she endured giving birth to a deformed child that was to have been aborted. — Medical Malpractice Law & Litigation Report

• New Jersey passed a law that imposes annual fees on lawyers, several medical professions and all employers to pay into a med mal insurance premium assistance fund. — Medical Malpractice Law & Litigation Report

• In May of this year consumer debt (not secured by real estate) reached a record \$2 trillion. — Bottom Line Personal

• A director of nursing was held liable for a fatal patient transfer injury because the facility was understaffed. — Legal Eagle Eye Newsletter

• In a survey of ENT doctors, 46 percent said a medical error occurred in the last six months in their offices. About half of the errors caused "major injury or harm." — The Laryngoscope

• Frequent sex may reduce prostate cancer risk. Men with an average of 21 ejaculations per month, or more, had a 33 percent lower risk of cancer. — National Cancer Institute

• Type 2 diabetics (adult onset) have a 65 percent increased risk for Alzheimer's. — Rush University

• A new Oklahoma law prevents doctors' and hospitals' apologies from being used in court as admissions of guilt. — Medical Malpractice Law & Litigation Report

• In a recent study, patients said they preferred to be told about medical mistakes, and that such disclosure would engender trust. However, the patients said they would be no less likely to seek legal advice. — Meyers Primary Care Institute

• Women receiving dental X-rays while pregnant are more apt to deliver low birth-weight babies. — Washington University

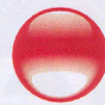
• In blind testing, people who claimed they were allergic to MSG (a food additive) could not tell a taste difference and suffered no ill effects to food full of MSG. — UC Berkeley Wellness Letter

• The Supreme Court of Massachusetts turned down an appeal where a plaintiff had sued a doctor for deceptive business practices in a med mal case. The high court said such an end run is the incorrect course of redress. — Medical Malpractice Law & Litigation Report

• Many men with high PSA levels do not have prostate cancer, while about 15 percent with normal scores do. Almost three-fourths of prostate cancer cases are diagnosed in men over 65. — RN

• Get your rest: In a study, sleep-deprived women had a much higher risk for heart disease; being awake for 18 hours is as detrimental to driving ability as two shots of booze; driving sleepy kills 1,500 people a year in the U.S. and injures 40,000. — Vancouver General Hospital, UC Berkeley Wellness Letter, NHTSA

• The average doctor brings from \$1.6 to \$3.1 million in business to a hospital. However, practice revenues tend to be flat



"I have lived my life according to this principle: If I'm afraid of it, then I must do it."
— Erica Jong

from year to year, with operating expenses increasing at 6.5 percent per year. — Merritt, Hawkins & Associates

• In a home-health study, the drinking of only bottled water led to twice as many illnesses as drinking tap water. — RN

• An occasional drink (no more than two per day) reduces heart attack risk in men with high blood

pressure. Beer is beneficial for building bones. — Archives of Internal Medicine, Rayne Institute

• Try the web site www.docboard.org to check doctors' backgrounds. — Bottom Line Health

• Controlling glucose levels in critically ill non-diabetic patients reduced death rates 42 percent. — University of Leuven

MEDICAL DISCOVERY

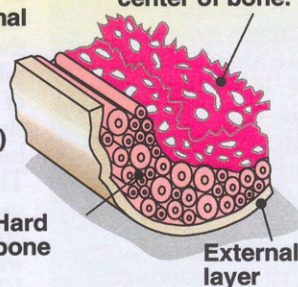
Bone basics

Bone, the framework of our bodies, gets its rigidity from calcium and phosphorus. The arrangement of fibers makes it flexible.

Bone growth

• Bone contains two types of cells, osteoblasts and osteoclasts. Osteoblasts deposit calcium into bone, with osteoclasts removing it. If the body is running short on calcium, the calcium will be extracted from the bones.

■ **Normal bone contains protein fibers (collagen) and calcium.**



Bone diseases

• Bones tend to get more porous and weak with age.
• Several genetic disorders of bones exist. Most cause short stature.
• Lack of

calcium and vitamin D cause soft, misshapen bones.
• Hormonal disorders of bone growth can occur, such as gigantism.
• Osteoporosis is largely the fault of hormonal

imbalances.
• Bone cancer is fairly rare.
• Arthritis is an autoimmune disorder wherein the body attacks its own tissues.
• Paget's disease thickens the outer layer of bone, while the interior becomes softer.

Spongy bone

Nutrient artery

Marrow cavity

■ **Long bones grow primarily on their ends**

SOURCE: AMA Encyclopedia of Medicine

