

Legal Implications Related to Documentation and Quality of Care



Please Note

This is an actual closed case, however, the names of the participants as well as some of the facts of the case have been changed to protect the privacy of those involved.

The Presenters

- **The Lawyers from Roach, Brown, McCarthy & Gruber**
 - John Danieu, Esq.
 - Gregory Miller, Esq.
- **The Nurses**
 - Gradi Keleher, RN
 - Dawn Melancon
- **The Doctors**
 - Stephen Turkovich, MD
 - John Pastore, MD
 - Thomas Black, MD
 - Fed Archer, MD
- **Others**
 - Carol Apa, RN - Quality Documentation Coordinator
 - Kathleen Posenjak, MS, RN - Risk Manager

The Accident

- On February 12th, Anna Howard was riding in the back seat of a SUV with her older brother.
- She was wearing a lap belt but not a shoulder harness.
- She was 5 years old.
- At approximately 11:00 am, the car she was riding in was involved in a head on collision with another car.



The Ambulance Record

- Extricated from the car and placed on a board
- Chief complaint - abdominal pain and back pain.
- On exam, her abdomen was soft and tender upon palpation. She had brush burns across the length of her abdomen. She denied pain. Her neuro exam was unremarkable.
- Placed on oxygen and transported to WCHOB along with brother.



Hospital Course

- Arrived in the ED at 12:15 pm without a cervical collar. Collar applied.
- Triage by Mary Connors, RN
- Seen by Dr. Thomas (ED attending)
- X-rays of her chest, cervical spine, and femur were obtained and showed no significant abnormalities.
- X-ray of abdomen and pelvis revealed a small amount of intraperitoneal and retroperitoneal fluid.



Hospital Course



- Was admitted to the General Surgery Service.
- Seen by Dr. Frank, surgery resident and a H&P was obtained at 3:25 pm
- Also seen by Dr. Burns, pediatric surgery fellow. Note not timed.
- Admitted to the PICU at 4:30 pm for close observation, neuro checks, and repeat blood work. Diagnosis was major trauma.

Hospital Course



- At 5:20 pm, seen by Dr. Holler, a pediatric resident in the PICU. Neuro exam unremarkable.
- At 6:40 pm, Patricia Smith, PICU nurse notes Anna is unable to wiggle her toes. Does not respond to touch on bottom of feet. Pt says it hurts to move toes. Legs are floppy. Does not initiate any movements. Does have slight twitch of left great toe. No movement noted right foot or toes.
- At 7:00 pm, she notes the patient is reluctant to move her legs because it hurts. Has minimal movement of toes when asked to move toes.

Hospital Course

- Dr. Fisher in to see pt at 7:30 pm. Notes pt now has flaccid paralysis in both legs.
- Neurosurgical consult called. Her exam was consistent with a spinal cord injury.
- X-ray of thoracic and lumbar spine and CT of lumbar spine confirm fracture at L1-L2.
- Neuro status remained unchanged – paraplegic.
- Discharged to rehab facility.



Allegations

- Failed to timely and correctly diagnose plaintiff's L1-L2 fractures.
- Failed to recognize and appreciate the deterioration of plaintiff's neurological status.
- Failed to render emergency care to a person with a possible neck and back injury in a safe and appropriate manner.