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Law and the Emergency Nurse

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A Case of a "Bad Trip"

The case of *Nance vs James Archer Smith Hospital, Inc.*, 329 So 2d 377 (Fla App 1976) provides an interesting situation dealing with LSD ingestion. The case involved a young man whose grandmother noted that he was acting strangely around the house. The grandmother learned that he had taken LSD and, with assistance of two of his friends, took him to the defendant hospital for evaluation.

The emergency department clerk was advised that the patient had taken "acid." However, the clerk told the grandmother that the hospital did not have testing facilities to determine the type of drug and such a determination was necessary before treatment could be rendered. The clerk suggested they take the patient to Jackson Memorial Hospital where the necessary testing facilities were available.

While en route to the second hospital, the patient became agitated, ran berserk through an apartment building, and fatally stabbed Ernest Nance. The victim's wife filed a wrongful death suit against the first hospital alleging negligence in turning away the drug-crazed patient as he was an emergency case and a danger to himself and others.

Judge and jury disagreed

The jury returned a verdict in the amount of \$150,000 in favor of Mrs Nance. However, the trial judge, having reserved ruling on the hospital's motion for a directed verdict in its favor, ultimately entered judgment in favor of the defendant hospital. Mrs Nance appealed from this judgment.

The District Court of Appeals of Florida stated that the patient, while in the first hospital's emergency department, did not exhibit erratic or threatening behavior and there was no reasonable indication that such violence would occur. Thus, the appellate court affirmed the trial court judge's directed verdict in favor of the defendant hospital.

Was the appellate court's assessment of the facts accurate or should the plaintiff have won this case against the hospital? The appellate court seemed impressed that drug testing was necessary in order to prescribe treatment. This clinical conclusion was arrived at by the emergency department clerk! There is no known antidote for LSD. Thus, the treatment is primarily supportive, including use of physical restraints if necessary.

Patient not examined

Thus, it would appear that the emergency department clerk was negligent in representing to the patient that drug identification would be necessary in order to treat the patient. The trial and appellate court judges should have been more impressed with the fact that the patient was not even examined or interviewed at the first hospital. If this had been done, perhaps the patient may have been prevented from harming an innocent person.

The judges drew comfort from the fact that the patient did not exhibit abnormal behavior at the first emergency department. Thus, the emergency nurse can easily conclude that the presence of abnormal behavior in an emergency department patient puts an added burden of responsibility for that patient on the shoulders of the emergency nurse. The emergency nurse can also conclude that a patient brought to the emergency department for alleged drug ingestion should at least be interviewed and given a physical examination in order to determine whether he is likely to harm himself or others.

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