Objective

Discuss strategies to facilitate legally defensible documentation regarding stroke care
Stroke: Legal Hot Spots

• Delayed Diagnosis
  • *Neurological examination
• Delayed Treatment
• Improper Treatment
  • *Medication management
• Improper Discharge
• Non-aggressive history taking
• Failure to...
  • Consider stroke in differential diagnosis of young patients
  • Recognize presentation of posterior circulation strokes
  • Recognize pitfalls associated with strokes of the cerebellum
  • Thoroughly document the neurological exam
    • Pancioli, A. M. MD (2010)

• Document basis for decisions
Legal Perils for Nurses

• Failure to…
  • Perform and document neurological assessments
    • Perform follow up assessments
  • Inform MD of pertinent findings [in timely manner]
  • Delegate appropriately
  • Provide patient education [in timely manner]
Facts on Litigation

- Documentation main area of negligence
  - *Can make or break the Case*
- Juries are reliant on the facts in the medical record
- Standard of care rules
  - “What any careful person of similar qualification would do in the same or similar circumstance”
Grounds for a Lawsuit

• Duty
• Breach of duty
• Harm
• Proximate cause

• *If You Didn’t Chart it, You Didn’t do It*”
• “If You Didn’t do it, You can’t chart it”
Written account that clearly depicts the patient’s status, interventions/actions provided and patient’s response
Documentation must reflect...

- The basis for action(s)/non-action
  - *careful with documenting…
    “will continue to monitor”
- Evidence of the care provided
- Adherence to the Standard of Care
- Your competence
  - Symptom analysis of patients’ symptoms
Symptom Analysis

- **S**everity of symptoms
- **T**iming
- **R**egion [specific], related symptoms
- **O**nset
- **K**eep track of patient responses
- **E**volvement
Stroke Documentation

• “No c/o”
• “non-focal” *didn’t do thorough exam*
• Vague descriptions
• Vague instructions
  • “schedule f/u appointment with PCP”
• Omissions
  • Visual field assessment
  • Lower extremity strength
  • Gait
  • No neuro exam [documented] at ED disposition
And in Conclusion…

“Dear Mr. Attorney…”
References

• Medical Malpractice Trial Report (2012).