

## Critical Thinking Scenarios

### Legal Issues

While at your son's baseball game, one of the players slides into second base and lies there without moving. Another player yells for help. The other parents know you are a nurse and encourage you to check on the player while they call 911. When you arrive you note the child's leg is fractured and is lying at an awkward position. You feel that if you reposition the leg you might cause more harm and pain for the child. You assess the leg and note it is warm with a palpable pedal pulse. You provide care to ensure the child does not go into shock until the ambulance arrives. The child's parents are called and will meet the ambulance at the emergency department. Three months after the incident you receive word that you are being sued for malpractice because you did not provide interventions to ensure the safety of the leg. The child is undergoing extensive physical therapy related to neuromuscular damage to the leg.

- A. Does this scenario meet the basic elements of malpractice?  
*No—You do not have a professional nurse-patient relationship in that you were participating as a spectator, not in the role of the nurse. In this scenario, there is no duty to the child. This falls under the Good Samaritan law.*
- B. If you were present at a first aid station and the scenario occurred, would the basic elements of malpractice apply? Why or Why not?  
*In this case there is a duty because your presence is as a nurse. In this case, the professional duty would be to act as a reasonable nurse under the same or similar circumstances. The nurse meets the professional duty in that the leg was assessed and interventions implemented as indicated by the situation.*
- C. If you are the first aid nurse in this scenario, what specific actions should you take immediately following the accident? How could this protect you from a possible lawsuit?  
*Because you are functioning as a nurse, you should immediately document your assessment, interventions, and outcomes. This provides documentation of actions taken as well as conformity with standards of nursing care.*