

## Reference Shelf *Continued*

the emergency room suffering from acute hypoglycemia. When the emergency room nurse telephoned the defendant to see the patient, he refused and instructed the nurse to call the patient's own physician. The defendant's reason for the refusal was that he felt incompetent to treat the patient's condition, but conflicting evidence could show that it was because of personal animosity toward the patient, or because her husband was an attorney. When called, the patient's physician refused to come in, stating that the on-call person should handle the situation. The defendant again refused, and the nurse summoned the Chief of Staff, who came in to see the patient and attended her throughout the night. The patient died the following morning. The plaintiff sued the on-call physician, alleging malpractice. The lower court granted summary judgment in favor of the defendant, and the plaintiff appealed.

The Court of Appeals of Arizona reversed the decision and sent the case back for further proceedings. The court stated that normally a medical practitioner is free to contract for his services as he sees fit and can refuse to treat even emergency patients. However, the defendant had contracted away this right by agreeing to provide on-call services at the hospital. Further proceedings were necessary to determine the degree to which delay in treating the patient's condition contributed to her death.

**Moore v. Carrington**, 270 S.E.2d 222 (Ga. App. 1980).

Plaintiffs sued a physician and a hospital for malpractice, alleging that their five-month-old child died as the result of negligent treatment. The infant died of severe brain damage and the parents claimed that the physician and hospital staff wasted valuable time performing a diagnostic test when they should have been providing resuscitatory measures. The trial resulted in a directed verdict in favor of the hospital and a jury verdict in favor of the physician, and the plaintiffs appealed.

The Court of Appeals of Georgia affirmed the verdicts. The court stated that the hospital could not be liable for any negligence on the part of the physician, since the physician was an independent contractor rather than an employee. Nor could the hospital be liable for any negligence on the part of the hospital staff who assisted the physician, because they were under the

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physician's direction and control. As for the physician's liability, a jury had already settled the issue and the court could find no error.

### Quality Assurance

Grant MM, *The Implementation of*

*Cancer Nursing Standards*, QUALITY REVIEW BULLETIN 6(10):26-30 (October 1980) [N2-22, \$2.00].

*Letters: On Creating Humane Environments*, QUALITY REVIEW BULLETIN 6(12):3-7 (December 1980) [N2-23, \$1.75].

## Health Law Notes *Continued*

Professor Keeton's rules at least once. Their testimony would have been more effective if they had observed those guidelines, and both their own interests and the interests of justice would have been better served had there been more preparation for trial.

The growth of nursing as a profession will be paralleled by the increasing role of nurses in the courtroom. It's time to get ready for it.

### References

1. See Smith, *Dr. Blue Suit Spotlights Rights of Patients*, ST. PAUL PIONEER PRESS (December 14, 1980), p. 1; *Court Case on Resuscitating Woman Begins*, MINNEAPOLIS TRIBUNE (December 24, 1980), p. 1B.
2. R. E. KEETON, *TRIAL TACTICS AND METHODS* (Little Brown & Co., Boston, 1954) at 32-4.

## Expert Witness *Continued*

the function of the Maryland Nurses Association Expert Nurse Witness and Consultation Service. It is hoped that readers will be encouraged to consider the development of such a service in their areas as a resource to attorneys and as a contribution to nursing as a profession. Both of the authors welcome requests for further information on the Service which is expected to continue its innovative growth and development.

### References

1. 196 N.E.2d 592 (Ohio 1964).
2. 523 P.2d 320 (Kan. 1974).
3. *Id.*, at 325.
4. 262 S.E.2d 865 (N.C. App. 1980).
5. *Id.*, at 867.
6. 396 N.E.2d 13 (Ill. 1979).
7. 267 S.E.2d 759 (Ga. App. 1980).
8. *Id.*, at 762.