

SUPREME COURT OF MISSISSIPPI

Crothwait v. Southern Health Corp. of Houston, Inc.

94 So. 3d 1070 (Miss. 2012) · Decided June 7, 2012

SUMMARY

The Mississippi Supreme Court considered whether claims arising from a hospital nurse's alleged failure to assist an elderly patient walking from a shower constituted ordinary negligence or medical negligence. The court held that determining the patient's need for assistance required professional knowledge and judgment, making the claim one for medical negligence. Because the plaintiff did not provide pre-suit notice or expert testimony, the court affirmed summary judgment for the hospital and nurse.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Presiding Justice; Waller, Chief Justice; Dickinson, Presiding Justice; King, Justice; Kitchens, Justice; Lamar, Justice; Pierce, Justice; Randolph, Justice
JURISDICTION	Mississippi
DECIDED	June 7, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Crothwait appealed the circuit court's grant of summary judgment to the hospital and nurse. The Mississippi Supreme Court granted Crothwait's petition for writ of certiorari after the Court of Appeals affirmed the summary judgment in a four-four plurality opinion.
STANDARD OF REVIEW	Summary judgment is reviewed de novo and is proper only when no genuine issue of material fact exists.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Mississippi
PARTIES	Ruth Agnes Crothwait v. Southern Health Corporation of Houston, Inc. d/b/a Trace Regional Hospital, Marcia Morgan

TOPICS

[medical malpractice](#)[professional negligence](#)[summary judgment](#)[standard of care](#)[standard of review](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Crosthwait's allegations concerning assistance in walking to and from the shower constituted medical negligence or ordinary negligence.
2. Whether expert testimony was required to establish the applicable standard of care, breach, and proximate causation.
3. Whether summary judgment was proper when Crosthwait failed to provide pre-suit notice, consult an expert before filing suit, or present expert testimony.

HOLDINGS

1. A patient's claim that a registered nurse failed to provide necessary assistance in walking to and from a shower is a medical-negligence claim when determining the need for assistance requires professional knowledge and judgment concerning the patient's medical condition and physical limitations.
2. In a medical-negligence action, expert testimony is required to establish the applicable standard of care, breach of that standard, and proximate causation unless an applicable exception applies.
3. The Supreme Court of Mississippi declined to adopt the factors developed in *Coleman v. Deno* for determining whether a claim is medical malpractice.
4. Summary judgment for the hospital and nurse was proper because Crosthwait's claim was medical negligence and she failed to provide the required expert testimony.

KEY QUOTATIONS

"Thus, we hold that the decision as to whether to provide such assistance involved medical judgment, and the claim thus was one for medical negligence." (94 So. 3d at 1074)

"Today, we decline to adopt the Coleman factors." (94 So. 3d at 1075-76)

FACTUAL BACKGROUND

Eighty-two-year-old Ruth Agnes Crosthwait was hospitalized for fluctuating blood sugar caused by diabetes, and her attending physician instructed her to summon a nurse for assistance when rising from bed. After Crosthwait took a shower, she fell while attempting to return from the bathroom to her hospital bed; the parties disputed whether Nurse Marcia Morgan assisted her and whether the bathroom floor was wet. The fall caused a broken hip and substantial loss of mobility and independence. Crosthwait sued the hospital and Morgan, alleging failures to assist her and prevent or address the wet-floor condition.

PROCEDURAL HISTORY

The Circuit Court for the First Judicial District of Chickasaw County granted summary judgment to Southern Health Corporation and Marcia Morgan. The Court of Appeals affirmed in a four-four plurality opinion. The Supreme Court of Mississippi granted certiorari and affirmed both the Court of Appeals and trial court judgments.

DISPOSITION

affirmed

CASES CITED

- Crothwait v. Southern Health Corp. of Houston, Inc., 94 So. 3d 1126 (Miss. Ct. App. 2011)
- Crothwait v. Southern Health Corp. of Houston, Inc., 78 So. 3d 906 (Miss. 2012) (Table)
- Treasure Bay Corp. v. Ricard, 967 So. 2d 1235, 1238 (Miss. 2007)
- Monsanto Co. v. Hall, 912 So. 2d 134, 136 (Miss. 2005)
- Hubbard v. Wansley, 954 So. 2d 951, 956-57 (Miss. 2007)
- Drummond v. Buckley, 627 So. 2d 264, 268 (Miss. 1993)
- Burnham v. Tabb, 508 So. 2d 1072, 1074 (Miss. 1987)
- Smith v. Gilmore Memorial Hospital, 952 So. 2d 177, 180 (Miss. 2007)
- Burton v. Choctaw County, 730 So. 2d 1, 5-6 (Miss. 1997)
- Bell v. West Harrison County District, 523 So. 2d 1031, 1032-33 (Miss. 1988)
- Lyons v. Biloxi Inc., 925 So. 2d 151, 152-55 (Miss. Ct. App. 2006)
- Ratliff v. Employers' Liab. Assurance Corp., 515 S.W.2d 225, 227-30 (Ky. 1974)
- Coleman v. Deno, 813 So. 2d 303, 315-16 (La. 2002)
- Chitty v. Terracina, 16 So. 3d 774, 779 (Miss. Ct. App. 2009)
- Howell v. Garden Park Community Hospital, 1 So. 3d 900, 904 (Miss. Ct. App. 2008)

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