

## Perinatal Care: Arnold Chiari Malformation (ACM) Patient Injured, Given Large Award.

The US District Court for the District of Maryland recently awarded more than \$5,000,000 to a woman, married to a US military officer, who suffered a major brain injury during labor and delivery at a US government hospital.

The court's written opinion is very lengthy and the medical and legal issues are highly complex. The court faulted the multidisciplinary team of physicians and nurse practitioners who managed the mother's prenatal care and the nursing and medical staff who cared for her immediately post-partum.

Unbeknownst to her caregivers, the patient had a congenital abnormality of the opening at the base of the skull. The larger-than-normal opening can allow the hind-brain to protrude out of the skull. Any effort resembling Valsalva's maneuver can cause hindbrain herniation and profound neurological damage.

### **Neurological Work-Up Was Indicated**

At her pre-natal appointments the patient complained of persistent dizziness. The court pointed to expert testimony distinguishing positional lightheadedness, not uncommon during pregnancy, from persistent vertigo with nystagmus, which is not normal and which should have prompted an ob/gyn physician or nurse practitioner to get a neurologist's work-up.

Even in pregnancy, the court thought, an MRI would have been indicated in her case and would have caught her ACM and led to a decision to forgo labor and deliver by cesarean section.

The nurses also failed to pick up on the fact, after delivery, that she had sustained serious neurological trauma giving birth. **Lawson v. US**, \_\_ F. Supp. 2d \_\_, 2006 WL 2819833 (D. Md., October 2, 2006).