

## Baby Buying: Hospital Had Right To Fire Employee For Failure To Cooperate With Investigation.

A hospital was concerned whether a hospital employee might have been involved in purchasing a baby born at the hospital from a former hospital patient. Before making accusations to the authorities the hospital administration decided to conduct its own investigation.

They knew the hospital employee had custody of the child and had hired an attorney to go through with a legal adoption. The hospital wrote to the attorney for the status of the adoption, but got no response. The employee was fired for failing to cooperate with the investigation.

***It is not a crime for an individual to accept custody of a minor child when the mother relinquishes custody, assuming no financial reward changes hands.***

***A hospital has a legitimate right to investigate whether or not a hospital employee was involved in purchasing a baby born at the hospital from a hospital patient.***

COURT OF APPEAL OF LOUISIANA, 2001.

The Court of Appeal of Louisiana ruled under the circumstances the hospital had the right to fire this employee for failing to cooperate with the hospital's legitimate efforts to pin down whether there were grounds to accuse the employee of the crime of purchasing a baby. Bell v. Touro Infirmary, Inc., 785 So. 2d 926 (La. App., 2001).

## Kernicterus: Neonatal Nurses Faulted, Failed To Act On Signs Of Elevated Bilirubin.

***Nurses have an obligation to advocate for their patients.***

***The nurses knew no bilirubin tests were done and knew such tests were routinely ordered simply by the nurse suggesting it to the pediatrician.***

***The hospital did not have in place any policies or protocols on jaundice in newborns.***

***However, in general the newborn nursery nurses were to notify the pediatrician when they noted any abnormal signs.***

***The two nurses on duty during the first twenty-four hours of life noted there was jaundice. It was important to make a chart note from which other nurses could tell if the jaundice was resolving, staying the same or getting worse. None of the later nurses talked to the earlier nurses to find out how the jaundice was progressing. One nurse noted the jaundice had spread to the baby's entire body but did not find this alarming.***

***The nurses did not instruct the mother what to do if the jaundice did not go away.***

SUPREME COURT OF IDAHO, 2001.

The jury returned a civil verdict absolving the pediatrician and the hospital from fault.

The baby's parents demanded a new trial on the grounds the jury's verdict went completely against the evidence. The judge ordered a new trial against the pediatrician but refused to order a new trial against the hospital.

The Supreme Court of Idaho ordered a new civil trial with both the hospital, the neonatal nurses' employer, and the pediatrician as defendants.

### Neonatal Nursing Negligence

The court said the hospital's neonatal nurses should have taken more seriously the threat posed by signs of jaundice in a newborn. If the baby is not tested and bili lights are not started, relatively easy and effective interventions, the condition can lead to a form of cerebral palsy known as kernicterus, a severely disabling condition.

According to the court, neonatal nurses must advocate for serum bilirubin levels and phototherapy for a patient when they detect jaundice. As a general rule a hospital should have procedures for nurses to take patient care issues up the hospital's chain of command until they get appropriate results.

Nurses must chart their observations and report to later nursing shifts in a way that allows nurses later on to tell if the problem is resolving, the court believed.

If a newborn is discharged with jaundice, the parents must be taught what to look for and impressed with the need to bring the baby back to the hospital right away if the jaundice does not go away.

### Blood Typing

The court faulted the hospital for not having a protocol for incompatible maternal and umbilical cord blood types to be brought to the pediatrician's attention promptly, although the court did not specifically state that that is a nursing responsibility. Sheridan v. St. Luke's Regional Medical Center, 25 P. 3d 88 (Idaho, 2001).