

Emergency Room: Nurses, Physicians Followed Standard Of Care With Obstetric Patient.

The Court of Appeal of California endorsed the decision of the judge in the Los Angeles County Superior Court to dismiss the parents' lawsuit against the hospital for the stillbirth of their child.

The Court of Appeal agreed there was no deviation from the standard of care by the hospital's nursing or medical staff.

Sequence of Events

The mother and father arrived at the emergency department around 9:10 or 9:15 p.m. She was nine months pregnant, was cramping and thought she might be in labor.

Although she was already pre-registered for delivery in the labor and delivery department, about twenty minutes went by while she filled out new admission paperwork for the emergency department.

Blood began running down her leg at 9:40 p.m. She was immediately triaged by an E.R. nurse and then rushed to labor and delivery, arriving at 9:48 p.m.

The labor and delivery nurses phoned the patient's obstetrician. He ordered an ultrasound.

The nurses began listening for fetal heart tones and got a sonogram. A labor and delivery nurse phoned the obstetrician back at 10:00 p.m. to report there was no discernable fetal heart beat, while another labor and delivery nurse got the emergency room doctor to come to the unit.

The mother spontaneously delivered a stillborn baby at 10:03 p.m. It was apparent at that time, and verified later by the autopsy, that a complete placental abruption had occurred. The patient's obstetrician finally arrived at 10:30 p.m.

The Court accepted the hospital's expert's testimony that attempting a rush cesarean delivery in the emergency department is in itself very risky and is rarely the preferred course of action.

Further, reviewing the record and the autopsy report with 20/20 hindsight, the hospital's expert was right that no error or omission by the hospital's personnel caused the placental abruption which was the fundamental reason for the unfortunate outcome. **Walker v. Pacific Hosp.**, 2010 WL 7125 (Cal. App., January 4, 2010).

Liability for malpractice requires proof of deviation from the standard of care. It takes more than just an unfortunate outcome.

The standard of care was correctly stated by the hospital's expert witness, a board-certified emergency medicine specialist.

The patient's presenting symptoms did not indicate the need for an emergency response when she first arrived.

In the case of an expectant mother with more than twenty weeks gestation, the accepted course of action for complaints of abdominal cramping is to notify the labor and delivery department of the mother's presence and to ask the patient to make herself comfortable in the E.R. until someone from labor and delivery is able to come for her.

Once this patient did start bleeding, the hospital's emergency department's nursing and medical personnel responded rapidly and appropriately.

Unfortunately, at that point there was no effective way to have delivered the fetus before the placental abruption caused the child to come out stillborn.

CALIFORNIA COURT OF APPEAL
January 4, 2010