

Hypoglycemia: Jury Does Not Hold Nurses Responsible For Newborn's Brain Damage.

The Court of Appeals of Ohio carefully examined and was satisfied with the nursing care given by the newborn nursery nurses who cared for the infant the day of his birth and the next day in the hospital.

The Court upheld the jury's verdict that the nurses were not liable for the baby's profound irreversible brain damage after his blood glucose dropped to almost zero at home the next day.

Nurse Discharged Mother / Infant Without a Physician's Order

A nurse in the nursery made the decision to discharge the mother and baby early in the evening of the second day, forty-one hours after birth.

The jury explicitly found the nurse negligent for substandard nursing practice for discharging a patient without a verbal or written order from a physician.

At the same time, however, the jury also explicitly ruled that that error by the nurse was not a legal causative factor in the baby developing severe hypoglycemia the next day at home.

Nurses Left Gaps

In Neonatal Flow Charting

The jury was also shown that the nurses could not account for several hours of care because the nursing flow sheets were left blank.

Again, the jury found that that omission, albeit negligent, did not cause the unfortunate outcome and was no reason to impose legal liability on the nurses.

The nurse on duty the first day also neglected to mention anything in her nursing progress notes about the fact the physician, suspecting jaundice, had ordered bilirubin levels from the lab.

The nurse was allowed to testify in court that jaundice, in her understanding, is common in newborns and does not necessarily mean anything is wrong and, in any case, the physician was on top of it.

Not charting the baby's jaundice was also a lapse from good nursing practice, the Court said, but like the other issues was not a causative factor in the bad outcome. **Clements v. Lima Mem. Hosp., 2010 WL 597368 (Ohio App., February 22, 2010).**

The afternoon after his birth the nurse evaluated the baby's fontanel, vital signs, skin color, lung sounds, temperature, bowel tones and feeding and voiding patterns, all of which were normal.

She also stood by and observed as the pediatrician examined the infant and found him in good health.

The doctor thought the baby was cool to the touch and took his temp, 97.6°F, so the nurse wrapped him and put him in the warmer for an hour or so until his temp rose to normal.

The nurse's progress notes mentioned expressly that the baby was breastfeeding and voided meconium stool. His weight dropped 5.2% by midnight.

The nurse did not note in her progress notes that the baby seemed jaundiced, a lapse in good practice, but the nurse was able to testify she did not always note findings that were not out of the ordinary.

The next day the pattern continued of normal assessment findings. The baby was breast or bottle feeding. Mother and baby were discharged home that evening.

COURT OF APPEALS OF OHIO
February 22, 2010