

Labor & Delivery: Court Places Independent Professional Responsibilities On Nurses

The US District Court for the District of Puerto Rico defined certain independent legal responsibilities that labor and delivery nurses owe to their patients regardless of the orders, actions or inaction of the treating physicians.

The court did not try to compile an exhaustive list of nursing responsibilities beyond those relevant to the case at hand.

Pitocin

When Pitocin is in use the labor and delivery nurses have an independent legal duty to monitor the status of the fetus and must discontinue the Pitocin, or notify the physician to do so, when signs are present that the fetus is in distress, the court said.

Signs of fetal distress, for which the nurses should have stopped the Pitocin in this case were frequent contractions and a slow fetal heart rate.

Fetal Heart Monitor

According to the expert testimony endorsed by the court, when the external fetal heart monitor tracings become problematic it is a nursing responsibility to see that an internal monitor is started to obtain readings which will tell more reliably the true status of the fetus's condition.

Epidural Anesthetic

The patient needs to receive a bolus of IV fluid before an epidural is started, the court said, and the labor and delivery nurses are jointly responsible with the anesthesiologist for seeing it is done.

Once the epidural is going, the court went on to say, the labor and delivery nurses have the responsibility to watch the mother's and fetus's responses carefully. If the fetal heart rate drops the nurses must take the initiative and turn the mother on her left side and increase her IV fluids. The nurses have these responsibilities regardless of what the anesthesiologist is or is not doing for the patient, the court said.

Legal liability is imputed to the hospital for the nurses' errors and omissions. **Pages-Ramirez v. Hospital Espanol**, __ F. Supp. 2d __, 2008 WL 1213051 (D. Puerto Rico, April 7, 2008).

The law does not view nurses in the hospital setting as robots.

A hospital cannot escape legal liability by resting on the argument that the hospital's nurses were only following orders from a treating physician who was not a hospital employee.

While it does make sense that nurses must comply with physicians' commands in order for hospitals to run smoothly, the law nevertheless clearly requires nurses to meet certain independent standards of care.

The law requires nurses to use their own competency to avoid causing unnecessary harm to their patients.

If the physician will not heed the nurses' warnings the nurses must continue voicing their concerns up the nursing ladder of responsibility, an accepted healthcare industry guideline for nurses when they must question an order from a commanding physician.

In this case, however, the nurses blindly followed the doctor's instructions, causing the patient irreparable harm.

UNITED STATES DISTRICT COURT
PUERTO RICO
April 7, 2008