

LEGAL EAGLE EYE NEWSLETTER

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Labor & Delivery: Court Finds No Nursing Negligence, Dismisses Patient's Lawsuit.

The pregnant mother was admitted to the hospital at 8:30 a.m. Three obstetric nurses were on duty in the labor and delivery unit.

One or another of the three nurses assessed the mother and unborn child at intervals of approximately thirty-five minutes throughout the day.

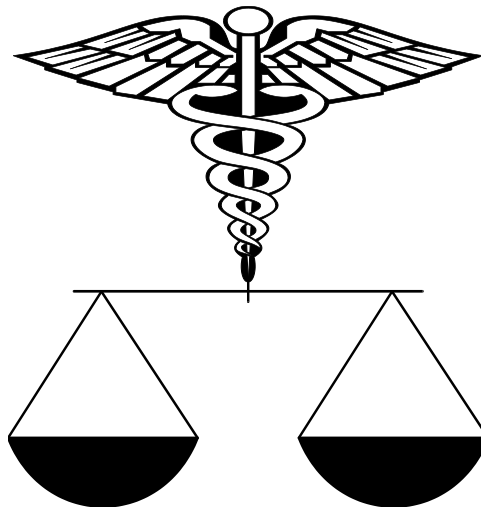
For the mother their nursing assessments included frequent blood pressure checks. For the unborn baby the nurses kept up with the fetal monitor, looking for any abnormal acceleration, deceleration and variability patterns in the fetal heart rate in conjunction with the mother's labor contractions.

The attending obstetrician came in and checked on the mother at least every two hours.

Ongoing variable decelerations of the fetal heart rate began to be noticed by the nurses starting at 11:30 a.m.

At 2:40 p.m. the obstetrician decided to start Pitocin. However, before the Pitocin was given the mother's urine was checked and was found positive for protein, a possible telltale sign of pregnancy induced hypertension or preeclampsia. The obstetrician ordered and the nurses gave magnesium sulfate for the preeclampsia.

Per the obstetrician's orders the nurses increased the Pitocin at 3:00 p.m., 5:30 p.m. and again at 6:00 p.m.



The labor and delivery nurses consistently and competently monitored the status of the mother and fetus.

The facts of the case show no reason for the nurses to have initiated the nursing chain of command.

The obstetrician settled after the patient's medical experts faulted her for not doing the cesarean sooner.

SUPERIOR COURT OF NEW JERSEY
July 14, 2017

Soon after the last Pitocin increase the nurses saw an abnormal drop in the fetal heart rate that was considered a persistent late deceleration. The nurses stopped the Pitocin.

Sixteen minutes later the obstetrician ordered an emergency cesarean. The baby was delivered thirteen minutes after that with very low Apgars.

The child now suffers from profound neurological deficits related to cerebral palsy from intrauterine oxygen deprivation.

No Nursing Negligence

The Superior Court of New Jersey upheld a lower court's summary judgment in favor of all three nurses.

The nurses carefully monitored the status of the mother and unborn fetus and noted and reported what they saw.

The nurses consistently carried out the attending obstetrician's orders throughout the course of the labor.

In spite of the catastrophic outcome for which the obstetrician settled out of court, as to the nurses the mother's medical experts could find no reason for them to doubt the obstetrician's judgment at any point in time and to try to override her control of the case by initiating the nursing chain of command to get another physician involved. ***Hunt v. Health***, 2017 WL 2991850 (N.J. Super., July 14, 2017).

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