

Medical Error: Nurse Did Not Tell Parents, Case Dismissed Against Nurse.

A two year-old was to have a two-part outpatient procedure, surgical repair of a ptosis of the right eyelid and examination of the left eye while under anesthesia.

The surgeon confirmed with the operating room staff that the surgery was to be done on the right eye. Then he went ahead and started the incision on the left eye. He promptly realized his mistake and stopped. He told the circulating nurse to go out and contact the mother in the waiting room to confirm once and for all that it was the right eye he was supposed to operate on.

The nurse spoke with the mother, reassured her that everything was fine, did not say anything about the surgeon's mistake and returned to the operating room.

The surgery on the right eye went forward with no complications afterward except minor swelling for two weeks near the left eye. The surgeon revealed his mistake to the mother.

The Supreme Court of Mississippi ruled the mother did not have grounds for a lawsuit against the nurse, unless she could come up with a nursing expert to testify as to the accepted standards in the nursing profession delineating when a nurse is to reveal and when a nurse is not to reveal a physician's mistake to a family member. **Smith v. Gilmore Memorial Hosp., ___ So. 2d ___, 2007 WL 852058 (Miss., March 22, 2007).**