

Labor & Delivery: Nurses Did Not Advocate For The Patient.

A very complex obstetric malpractice lawsuit filed in the Supreme Court, Orange County, New York, resulted in a total settlement of \$10,000,000 for a child who suffered brain injuries at birth.

The child, now eight years old, suffers from spastic quadriplegia, cannot eat or speak and has impaired vision.

Nurses Failed to Advocate For the Patient

As it relates to the hospital's labor and delivery nurses, the allegations in the lawsuit were that they should have called the obstetrician and insisted he come to the hospital during the night after their standard nursing interventions, repositioning the patient and upping the O₂, did not change the non-reassuring monitor tracings they were seeing.

If they had called the obstetrician and he did not want to come in, or if they failed to reach him, it was the nurses' duty to initiate the nursing chain of command. That is, the staff nurses should have gone to their charge nurse, who could contact the house supervisor, all the way up the ladder of authority, until a physician came in, looked at the tracings, checked on the patient and decided what to do. Alvarez v. Sherman, 2009 WL 4731164 (Sup. Ct. Orange Co., New York, July 27, 2009).