

Colonoscopy: Nurse's Negligent Phone Advice Re Post-Operative Symptoms Made Colostomy Necessary, Court Says.

During a routine colonoscopy where three polyps were removed there was an inadvertent perforation of the patient's intestine.

The Court of Appeal of Louisiana stated for the record that this is a complication known to occur occasionally.

The patient was discharged at 12:30 p.m. after the 11:00 a.m. procedure.

Early in the afternoon the next day the patient began having abdominal pain. He tried to get a phone call through to the physician at his office.

Finally at 5:00 p.m. on the day after the procedure he spoke with a nurse in the doctor's office. He told her he was having severe abdominal pain and felt like he had a fever. The nurse told him everyone was gone from the office for the day. The nurse told him to take aspirin and call back in the morning.

His wife drove him back to the clinic at 10:00 a.m. the next day, two days after the procedure. At 1:00 p.m. he finally saw the doctor who recognized the problem immediately. He opted to try antibiotics for a day or two. That did not work and a colostomy was done. The colostomy had to be revised more than once and the patient continued to have problems.

Nurse Ruled At Fault

Doctor Ruled Not At Fault

The jury found the nurse at fault for failing to recognize the symptoms of a post-operative infection, for failing to consult with a physician and for giving the patient negligent advice of her own.

The court acknowledged there was a lot of room for argument whether the nurse actually was responsible for the infection passing the fail-safe point where a colostomy became necessary, but the court declined to second-guess the jury's verdict which could be rationalized on that interpretation of the evidence. **Holtzclaw v. Ochsner Clinic**, __ So. 2d __, 2002 WL 31425415 (La. App., October 29, 2002).

If a bowel perforation occurs during a colonoscopy where a polyp is removed, and infection results, and the infection is allowed to progress beyond a certain point, a colostomy is almost inevitable.

If the infection goes too far the lining of the intestine will not heal properly and the hole in the bowel will not close itself.

An infection from a bowel perforation during a colonoscopy usually appears within the first twelve hours, although it can take several days.

It is critical to appreciate and act upon symptoms of a post-operative bowel infection at once.

If an infection is detected within the first twelve hours antibiotics can be started and the patient will be monitored closely. Antibiotics are often successful.

If antibiotics are unsuccessful, surgery can usually close a bowel perforation successfully within the first twelve hours without a colostomy being necessary.

COURT OF APPEAL OF LOUISIANA
October 29, 2002

Emergency Delivery: Court Finds No Fault With Nurse.

A young woman was brought to the hospital's emergency room in the early stages of labor. While waiting in the waiting room she had to make several trips to the restroom.

While she was sitting on the commode the baby's head emerged. She shouted for the E.R. nurse who came and delivered the baby. The E.R. physician assisted by giving the nurse a bulb syringe to suction the baby's nose and mouth.

The baby was quickly taken to the neonatal intensive care unit and was fine.

To sue a civil defendant for intentional infliction of emotional distress the defendant's conduct must have been intentional or reckless, extreme or outrageous and must have caused the plaintiff emotional distress.

Mere worry, anxiety, vexation, embarrassment or anger does not qualify as emotional distress for purposes of a civil lawsuit.

COURT OF APPEALS OF TEXAS
UNPUBLISHED OPINION
October 30, 2002

The gurney cart would not fit through the bathroom door, so the mother had to walk out to the hall half naked to get on the cart to be wheeled to the labor and delivery unit to deliver her placenta. By now the commotion had attracted a crowd of gawkers who cheered her as she came out.

The Court of Appeals of Texas, in an unpublished opinion, ruled the nurse did nothing wrong and there were no grounds to sue her and the hospital for intentional infliction of emotional distress. **Trevino v. Christus Santa Rosa Healthcare**, 2002 WL 31423711 (Tex. App., October 30, 2002).