

Post-Surgical Monitoring: Anoxic Brain Injury Blamed On Nursing Negligence.

The sixty year-old patient did well for three days following emergency surgery for ventral-hernia repair.

On the third day her physicians noticed problems with lung function. The medical diagnosis was not conclusive. Two possibilities were alveolar pneumonia and congestive heart failure.

After a previous surgery she had had a bout of fluid overload from congestive heart failure which resolved with diuretic therapy, so the physicians opted to start IV Lasix again this time. The pulmonologist came in in the evening and was told by the nurses that her respiratory status had markedly improved with the Lasix.

The nurses reported to the pulmonary specialist that evening that her respiratory status was much improved after the Lasix was started.

Then during the night the nurses did not closely monitor the patient or report that her respiratory status was actually deteriorating badly.

SUPERIOR COURT
SANTA CLARA COUNTY, CALIFORNIA
July 29, 2008

At 6:30 a.m. the patient went into cardiopulmonary arrest and was left with residual catastrophic brain damage.

The case filed in Santa Clara County, California settled for \$3,000,000. The basic argument was that with competent nursing monitoring the physicians would have been alerted in time to intubate the patient. ***Confidential v. Confidential, 2008 WL 4210698 (Sup. Ct. Santa Clara Co., California, July 29, 2008).***