

## Labor & Delivery: Fetal Monitor Discontinued While Cervidil In Use, Jury Finds No Negligence.

The jury in the Supreme Court, Rockland County, New York returned a defense verdict. The legal process has reportedly been set in motion by the patient's legal counsel to obtain a new trial and/or to appeal the verdict over the complex legal issue of national versus local standards of medical practice.

The mother's ob/gyn decided it was time to admit her to the hospital and began the induction process with a vaginal Cervidil suppository. The ob/gyn also ordered continuous fetal monitoring.

After a little more than two hours the labor and delivery staff nurses discontinued the monitor so that the mother could ambulate *ad lib*, with periodic checks for the fetal heart beat.

Seven hours later the mother complained of pain. The ob/gyn ordered Stadol, and the fetal monitor was re-started and the Cervidil was removed.

A cesarean was done that evening due to lack of progress in labor. Within 24 hours the infant started seizing and was found to have significant brain injury.

### **National vs. Local Standard of Care**

The judge ruled that a Level A Recommendation from the American College of Obstetricians and Gynecologists calling for continuous fetal monitoring while Cervidil is in place did indeed represent the national standard of care. However, the judge's opinion was that the national standard of care did not pertain to the events in question. **Ritter v. Good Samaritan Hosp., 2008 WL 3166870 (Sup. Ct. Rockland Co., New York, June 2, 2008).**