

## Cesarean Delayed: \$37,850,000 Verdict For Cerebral Palsy.

A jury in the Circuit Court, Hillsborough County, Florida apportioned fault 80% to the treating obstetrician and 20% to the hospital, the nurses' employer.

The hospital had already settled out of the case after the trial started but before the jury began deliberations.

### **Nursing and Medical Negligence Alleged Nursing Negligence**

The family's lawsuit alleged negligence by the hospital's nurses.

First, the labor and delivery nurse allegedly did not follow hospital rules for administration of Pitocin. The Pitocin was started, then increased after fifteen minutes. Five minutes later the mother's contractions became hypertonic. The nurse correctly stopped the Pitocin, gave O<sub>2</sub> and repositioned the mother. Ninety minutes later the nurse restarted the Pitocin.

Second, the nurses, in the opinion of the family's expert witness on nursing standards, failed to access the chain of command. Twenty minutes after restarting the Pitocin the labor and delivery nurse observed late decelerations and found the mother had a 101° fever.

The obstetrician did not want to do anything, so the labor and delivery nurse, acting correctly, went to her supervisor.

The nursing supervisor, however, did not speak with the obstetrician right away herself or ask a more senior nursing officer to step in. Two and one-half hours later, becoming more and more concerned with the monitor strips, the nursing supervisor did speak with the obstetrician. The supervisor told the labor and delivery nurse to continue having the mother push, then went behind the obstetrician's back to alert a c-section team to stand by.

### **Medical Negligence**

The family's obstetric experts testified that the cesarean should have been done three to four hours earlier than it was done.

The labor and delivery nurse notified the patient's obstetrician at 7:00 p.m. there was a problem with late decelerations.

The nursing supervisor again took up the issue of the monitor strips at 9:20 p.m. The obstetrician left the room for one and one-half hours with instructions simply to have the mother keep pushing.

The obstetrician finally called for the c-section at 10:40 p.m., and left the room again for another hour.

The c-section did not actual begin until 11:41 p.m., and the infant was delivered seven minutes later. **Coleman v. Martinez, 2007 WL 5022487 (Cir. Ct. Hillsborough Co., Florida, November 19, 2007).**