

Chlamydia: Court Sees No Relationship To Mother's Premature Labor.

A mother filed suit on behalf of her deceased premature infant against her prenatal obstetrician, her nurse-midwife and the physician who delivered her child at the hospital by cesarean. The baby was born at twenty-five weeks and was unable to survive.

The Court of Appeals of Georgia dismissed the case.

In a professional negligence case there must be expert testimony proving cause and effect to a reasonable degree of medical certainty between a caregiver's error or omission and harm to the patient.

Just a mere possibility of cause and effect is not enough for a lawsuit.

COURT OF APPEALS OF GEORGIA, 2001.

The mother was not tested for chlamydia and found out after she delivered that she had it. The court said chlamydia is a risk factor for premature labor.

However, that was not enough for her lawsuit to succeed. It only opened up the possibility that chlamydia was a factor. The court believed the facts did not prove to a reasonable degree of medical certainty that chlamydia was a factor in her labor starting prematurely. There were other possibilities, like two prior elective abortions and an incompetent cervix, the court said. It was too speculative to allow the lawsuit to go forward. Cannon v. Jeffries, 551 S.E. 2d 777 (Ga. App., 2001).

Managed Care: Court Places Responsibilities On Nurses.

The nurses who admit a patient to labor and delivery are responsible for seeing that prenatal records from the patient's doctor are received and entered into the medical chart.

The nurses are responsible for reviewing the patient's prenatal records for pertinent data and must enter the pertinent data in the nursing assessment.

Beyond that, the nurses are responsible for relaying important assessment data from the mother's chart to the nurses who will care for or who are caring for the baby.

Nurses' responsibilities are especially acute in a managed-care environment. Nurses are expected to step up and take charge, or the hospital risks being ruled at fault after the fact.

It can be difficult for a court to sort out whether the patient's primary care physician or a prenatal ob/gyn specialist continued the doctor-patient relationship and was monitoring the patient's care once the patient was in the hospital being cared for by residents and staff specialists.

The court might just throw them all into the mix.

SUPREME COURT OF KANSAS, 2001.

The jury awarded \$800,000 for a young child because she did not receive gamma globulin or a hepatitis vaccination in the hospital's newborn nursery, despite her mother's positive hepatitis B antigen status.

The Supreme Court of Kansas threw out the verdict and ordered a new trial. The problem with the verdict, the court ruled, was that only the physicians were included as the responsible parties, with each of their relative percentages of fault spelled out. The court believed the hospital should also have been included in the verdict as a responsible party, based on the negligence of its nurses.

Nursing Responsibilities

Managed Care Environment

While conceding that the patient's primary care prenatal physician and the hospital's residents and specialists were all at fault the court also found fault with the nurses.

In a managed care environment, the court said, nurses have a heightened responsibility to see that critical patient-assessment data is charted in the nursing notes so that nurses down the line see that appropriate indicated action is taken.

Specifically, the court said the labor and delivery nurses did not pay enough attention to the mother's prenatal records. There were some prenatal records in the chart, but they were incomplete and even so it appeared the labor and delivery nurses did not review them at all.

Nurses To Review Prior Records

The records should have been reviewed by the nurses, the court said, and the mother's hepatitis B status should have been noted in the nursing assessment so that that critical piece of information could have been passed to the nurses in the newborn nursery to ensure the baby received proper care.

The court also faulted the newborn nursery nurses for neglecting to realize that the labor and delivery nurses had not assessed or noted the mother's prenatal history. Nold v. Binyon, 31 P. 3d 274 (Kan., 2001).