

# LEGAL EAGLE EYE NEWSLETTER

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## Emergency Room: Dehydrated Infant Allowed To Leave, Not Rehydrated With Oral Fluids Or IV.

The jury in the District Court, Pinellas County, Florida returned a verdict of \$11,115,000.

Fault was apportioned 60% against the hospital as the employer of the emergency room nurse and 40% against the emergency room physician.

A three month-old had been vomiting and having bouts of diarrhea five times daily for three days. His seventeen year-old mother brought him to the emergency room at the insistence of her pediatrician.

He stayed in the E.R. for about four and one-half hours and then was simply released with a handwritten note from the nurse to his mother to feed him a soy beverage. The hospital's standard discharge instructions for a dehydrated infant recommend Pedialyte.

The family's lawyers pointed to significant time gaps in the E.R. flow charting when apparently nothing was being done to assess or care for him.

The boy afterward went into shock and suffered a seizure and now has significant brain damage.

Presently nine years old, he is already two years behind in school, has a low IQ and the experts say he will not be able to graduate high school or obtain gainful employment as an adult.

**Smith v. All Children's Hosp.**, 2009 WL 3864869 (Dist. Ct. Pinellas Co., Florida, October 22, 2009).



***Based on his history, signs and symptoms, the infant should have received oral rehydration therapy under the supervision of a nurse before leaving the E.R.***

***If that was not successful an IV should have been started to rehydrate him.***

***He was discharged with a note to his mother to give him a soy beverage.***

CIRCUIT COURT, PINELLAS COUNTY  
FLORIDA  
October 22, 2009

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