

## Labor & Delivery: Fetal Monitor Discontinued, Jury Finds No Negligence.

The mother had a history of asthma. When she began having respiratory problems one week short of her expected due date her physician decided to admit her to the hospital.

In the hospital she was given medication to treat her asthma.

She later testified that she repeatedly told the nurses and doctors she wanted them to deliver her baby by cesarean but they declined, apparently deciding it was necessary to allow the respiratory medication to work and her respiratory situation to stabilize before proceeding further with her obstetric issues.

The day after admission her ob/gyn checked on her and found she was improving. He also reviewed the fetal monitor strips and saw that the fetal heart rate was basically normal and reactive.

The fetal heart monitor was discontinued while the mother remained under observation for her respiratory condition.

Two days later a nurse was unable to detect a fetal heart beat during a routine assessment. An ultrasound confirmed there was no fetal heart beat. A stillborn infant was delivered later that day.

The jury in the Superior Court, Essex County, Massachusetts found no negligence.

The jury heard testimony that a cesarean was contraindicated given the mother's compromised respiratory status while she was being treated with asthma medication. There was also no reason to fault the ob/gyn's judgment that the fetal monitor was not necessary, given the baby's apparent healthy status. **Paul v. Lawrence Gen. Hosp., 2008 WL 4559898 (Sup. Ct. Essex Co., Massachusetts, May 9, 2008).**