

Labor & Delivery: Nurses Failed To Report Abnormal Monitor Tracings, Hospital At Fault.

The Supreme Court of Louisiana ruled the hospital and the obstetrician would each be assessed 50% legal responsibility for the newborn's cerebral palsy.

The mother's pregnancy was considered high-risk because of her diabetes. Her obstetrician wanted to do a c-section as soon as fetal lung maturity could be confirmed. He did an amniocentesis in the office at 36 1/2 weeks, but the onset of labor required the mother to be admitted to the hospital before the lab tests came back.

The obstetrician claimed he had to have the lab results before he could do the c-section and the hospital got the lab report back but did not inform him until the next morning. The Court pointed out he still waited until late that afternoon before starting the c-section.

A hospital is responsible for staffing its obstetrical unit with labor and delivery nurses who are trained and capable of reading and interpreting the monitors competently.

Physicians depend on the hospital's nurses to monitor the patient and carry out orders to report immediately any abnormalities which could indicate problems with the mother or the child.

SUPREME COURT OF LOUISIANA
May 10, 2011

As to the hospital's nurses, the Court accepted testimony that earlier on the same afternoon the c-section was done the monitor strip began to show loss of beat-to-beat variability and late decelerations, but the labor and delivery nurses assigned to the patient waited more than ninety minutes before notifying the obstetrician.

The patient's obstetric expert testified that loss of short-term beat-to-beat variability is a subtle sign, but one which labor and delivery nurses are trained to detect and know to report at once. The obstetrician can assume that the patient's nurses are watching the patient's monitors, know how to interpret the tracings and will notify the obstetrician as soon as any ominous abnormality is seen. Johnson v. Morehouse Gen. Hosp., __ So. 3d __, 2011 WL 1759932 (La., May 10, 2011).