

## Lap Sponge Left Inside Patient: Nurses Must Prove Absence Of Negligence.

The Appellate Court of Illinois pointed out that leaving a surgical sponge in a patient's body is *prima facie* evidence of negligence.

There was no doubt a laparotomy sponge was left inside. It was found in an x-ray and removed in a second surgery after the patient continued to have abdominal pain following discharge from the hospital after abdominal surgery.

The court ruled the patient does not need an expert witness when a caregiver's negligence is obvious to the common knowledge of lay persons. It was irrelevant to the outcome of the case that the operative nursing notes all stated that all three sponge counts were done correctly. **Willaby v. Bendersky**, \_\_ N.E. 2d \_\_, 2008 WL 2550708 (Ill. App., June 25, 2008).