

Neonatal Care: Court Faults Nurses, Not Physician, For Child's Death.

There is no conclusive evidence, extrapolating backward from the Demerol levels found in the infant's blood on autopsy, that the mother received an overdose during her labor or that the physician compounded that overdose by giving more Demerol to the baby for his circumcision.

There is convincing evidence of substandard nursing care once the newborn's condition began to deteriorate, regardless of the underlying physiologic cause for him going into crisis.

Dopamine was ordered to raise his blood pressure, but it was not started for more than an hour.

Bicarbonate was ordered when the child then went into significant acidosis, but that also was not started by the nurses until it was too late.

SUPREME COURT OF MISSISSIPPI
March 17, 2011

The newborn began to experience significant problems with respiration and his diastolic blood pressure reportedly dropped to 15.

IV fluid was ordered at 5:00 p.m. but not started until 6:00 p.m. One of the family's medical experts pointed out in his testimony that IV fluid is routinely used in the hospital and is readily available to be started as soon as it is ordered. The expert found no excuse for the delay.

A dopamine drip was ordered at 5:30 p.m. to raise the newborn's blood pressure but the drug not started by the nurses for two hours.

Around 9:45 p.m. blood gases came back showing the child was still in crisis with pH and bicarbonate levels that pointed to acidosis.

No phone call was placed to the physician for more than an hour while the child needed to be started on bicarbonate right away to reverse the acidosis, the family's expert went on to say.

The physician was not called until the child was no longer responsive to deep pain stimuli. The child had been in shock for at least one and one-half hours before orders were obtained to start epinephrine and atropine.

The Supreme Court of Mississippi ruled there were grounds for a lawsuit against the hospital for nursing negligence in the newborn's care despite a lack of conclusive evidence that the mother received an overdose of Demerol during her labor that precipitated the child's crisis in the first place. ***Patterson v. Tibbs***, __ So. 3d __, 2011 WL 909359 (Miss., March 17, 2011).