

Prenatal Care: Mother And Fetus Are Both Considered To Be Patients.

The parents of a young child filed a complex lawsuit against the medical and nursing staff in attendance at the birth, alleging that malpractice in the manner of the delivery resulted in shoulder injuries to the baby leading to Erb's palsy and Klumpke's paralysis.

Later the parents amended their lawsuit to include the medical and nursing staff who had provided prenatal care. Specifically, the new allegations in the lawsuit claimed that the nurses who performed prenatal ultrasounds should have realized the fetus was large for gestational age.

Once the fetus is determined to be large for gestational age, the lawsuit contended, the legal duty of care owed to the fetus requires prenatal caregivers to recommend a cesarean delivery to the parents.

Medical and nursing staff providing prenatal care must be cognizant that the law considers the mother and the fetus both to be their patients.

Each patient has separate legal rights that can be enforced in court.

COURT OF APPEALS OF GEORGIA
July 9, 2007

The Court of Appeals of Georgia endorsed the premise of the parents' lawsuit inasmuch as they were suing on behalf of their child to enforce their child's legal rights, citing a policy statement from the American College of Obstetricians and Gynecologists to the effect that the fetus, as well as the mother, are the patients of prenatal caregivers. Johnson v. Thompson, ___ S.E. 2d ___, 2007 WL 1965669 (Ga. App., July 9, 2007).