

Shaken Baby: Court Discusses Nurse's Legal Duty Of Care.

The child was eventually diagnosed at a children's hospital with shaken baby syndrome, reported to child protective services, removed from the parents' home and adopted by others.

The adoptive parents filed suit for failure to detect and report signs of child abuse against the medical facility where the child had been taken for early post-natal care, well-baby checkups and emergency trauma.

The nurse practitioner accepted the parents' story that the small superficial bruise occurred at daycare and counseled them to find another daycare or to consider discussing guidelines with the daycare provider.

UNITED STATES DISTRICT COURT
NEBRASKA
June 23, 2006

The US District Court for the District of Nebraska was sharply critical of the medical evaluations the child had received but the court could not find fault with a nurse practitioner who saw the child for a well-baby visit at age two months.

The court said seeing only a small superficial bruise on the child's head for which the parents had a plausible explanation would not necessarily raise a red flag.

The court said a nurse practitioner at a routine well-baby checkup who is not familiar with the child must review all medical records which are readily available. However, under the circumstances a nurse practitioner would not be expected to research whether a full history of emergency room visits existed and obtain and review all such records. ***Chapa v. US, 2006 WL 1763663 (D. Neb., June 23, 2006).***