

Pitocin Drip: Court Says Nurse Should Have Monitored The Patient More Closely

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the Supreme Court said.

The widely-used “best medical judgment” instruction tells the jury that healthcare professionals are not liable for negligence when they use their best medical judgment, even if their best medical judgment happens to cause a bad result.

In civil cases, after all the testimony is in, but before the jury begins to deliberate, the judge gives instructions to the jury. The judge’s instructions are meant to inform the jury about the legal principles that will guide them in deliberating to reach a verdict.

Rarely is the jury’s verdict directly dishonored in a civil case. But it is commonplace for the losing side to appeal by faulting the trial judge for giving the jury erroneous instructions, either misstating the law or applying legal concepts to the case not having anything to do with the actual evidence.

If the losing side’s appeal succeeds, they get a second chance. They can re-try the case before a whole new jury with proper instructions and can hope for a different outcome.

On another issue the Supreme Court was reminded there was testimony in trial that the medical cause of cerebral palsy is currently not known.

However, the Supreme Court noted there was expert witness testimony on behalf of the parents relating the etiology of their child’s condition to asphyxia at birth. According to the Supreme Court, both sides present their evidence and the jury decides and that is how our civil justice system works. Judges do not step in and pre-empt disputed scientific questions. Velazquez v. Portadin, 751 A. 2d 102 (N.J., 2000).

Perforated Sigmoid Colon: Court Faults Doctor, Nurse For Failing To Detect And Treat Problem Post-Surgery.

It is a known risk of the procedure that the colon can be perforated during a sigmoidoscopy and that the perforation will not be detected immediately in the operating room.

Therefore it is necessary for the nurse caring for the patient post-procedure to monitor the patient carefully for signs that perforation of the colon has occurred so that measures can be taken to repair the problem to prevent spillage of fecal material into the abdominal cavity.

Internal spillage of fecal material can be fatal, or as in this case it can require extended hospitalization and extra medical expenses and cause significant pain and suffering for which the patient can seek compensation in a professional negligence lawsuit.

The nurse and the physician can try to point their fingers at each other, but in truth they share legal responsibility for not competently monitoring and not promptly treating post-operative complications.

COURT OF APPEALS OF GEORGIA, 2000.

According to the Court of Appeals of Georgia, it is not necessarily medical malpractice for the physician to perforate the patient’s colon during a sigmoidoscopy. Perforation of the colon is a known risk of the procedure. The real but unlikely chance of it is outweighed by the benefits of the procedure to the patient.

However, because of this known risk of the procedure the law imposes a very high standard of care on nurses caring for patients who have just had the procedure, the court said. The nurse in the recovery room must carefully monitor and record the patient’s vital signs. When a patient reports severe abdominal pain and shows signs of severe pain like elevated pulse and respiration it should alert the nurse the patient’s colon may have been perforated and immediate medical intervention is indicated.

The nurse must report the patient’s symptoms and abnormal vital signs to the surgeon or another available physician at once and must indicate the nature of the probable problem, the court believed.

In this case the physician was contacted by the nurse, but she only ordered some IV morphine over the phone and did not come back in to examine the patient or order xrays or other tests the court believed she should have ordered.

In court the nurse and the physician tried to blame each other. The nurse claimed she did her legal duty and the physician failed to respond quickly and appropriately. The physician claimed the nurse negligently failed to inform her of the full significance of the situation.

The court approved the jury’s \$4 million verdict against the physician and against the hospital as the nurse’s employer. Nevertheless the court did not disturb the trial judge’s decision to reduce the award to just over \$1.2 million. Pilzer v. Jones, 529 S.E. 2d 205 (Ga. App., 2000).