

Sponge Count: Nurse Reported The Problem After Closure, Court Finds No Negligence.

A perioperative nurse informed the surgeon that the final sponge count was not correct.

The incision had already been closed.

The surgeon called for an x-ray which confirmed that a sponge was still inside. The surgeon cut open the sutures, retrieved the sponge and closed the incision a second time.

The patient's lawsuit alleged her bowel was damaged by exploration for the sponge after the re-opening of her incision. That, her lawsuit claimed, would have been unnecessary but for the nurse's negligence.

The Court of Appeals of Texas ruled there was no nursing negligence in what the nurse did, notwithstanding the hospital's policy that all sponge counts were supposed to be completed before closure. [Ortegon v. Benavides, 2008 WL 577175 \(Tex. App., March 5, 2008\).](#)