

Sponge Count: Nurses Liable Along With The Physician.

At the conclusion of the patient's cesarean section the nurses informed the obstetrician that the sponge count was correct. The physician relied on what the nurses told her and closed the incision.

A surgical sponge was left inside the patient's body.

The patient returned to the E.R. several times for abdominal pain before a CT scan revealed the presence of the sponge, which had to be removed surgically.

Although the physician performing a surgical procedure is responsible to the patient as "captain of the ship" for any surgical paraphernalia left inside the patient's body, nurses and scrub techs can also be liable for their own errors and omissions in negligently counting and accounting for sponges, needles, instruments, etc.

The Superior Court, Lake County, Indiana ruled the obstetrician was entitled to a set-off against the \$375,000 jury verdict for \$159,000 paid as a pre-trial settlement on behalf of the hospital and the nurses. **Ruiz v. Adlaka, 2007 WL 2640633 (Sup. Ct. Lake Co. Indiana, June 8, 2007).**