

Ob/Gyn: Nurse Translated For Physician, Court Sees Negligence.

According to the District Court of Appeal of Florida, the ob/gyn physician knew his patient had previously delivered a large baby vaginally. The physician also knew this baby, her second, was also large in reference to the mother's small stature.

The physician relied upon a Spanish-speaking nurse to translate for him in obtaining a history from the mother.

The physician had the nurse ask the patient if she had had problems with her previous delivery or with the baby. The mother replied in Spanish that she had no problem with her first delivery but said nothing about the first baby. In fact, there had been a birth injury to her first baby, which resolved without permanent injury.

The nurse/translator did not press for a complete answer including a history about the first baby. The ob/gyn physician went ahead with a vaginal delivery and there were complications.

It is below the medical standard of care for an ob/gyn physician not to obtain a complete history from the patient as to her previous pregnancies, deliveries and the status of the babies.

DISTRICT COURT OF APPEAL
OF FLORIDA
June 29, 2005

The court faulted the physician for going ahead without a full medical history that would have, in the opinion of the patient's medical experts, disposed him toward a cesarean as the safer option for the large baby. The nurse herself was not actually sued in this case. ***Torres v. Sullivan***, __ So. 2d __, 2005 WL 1521251 (Fla. App., June 29, 2005).