

MEDICAL MALPRACTICE CASE: STRENGTHS AND WEAKNESSES FROM A MEDICAL PERSPECTIVE

Strengths of plaintiff's case

1. Marked fetal distress as evidenced by fetal heart rate documented to be low for 1 hour and 26 minutes before delivery. This was present during initial ER evaluation and never improved.
2. Dr. Curtis (ER MD) did not attempt to call OB for 25 minutes after being aware that Fetal Heart Tones (FHT) were not audible and OB RN told him that she detected fetal bradycardia (extremely low heart rate).
3. OB did not respond to calls from ER for 38 minutes and did not arrive for a total of 61 minutes from the time initial call was placed from ER.
4. Blood pressure was documented to be low for 15 minutes without documentation of any treatment. This could have compounded fetal distress.
5. Orders were written by ER MD for oxygen, IV, and for patient to lie on left side. Documentation shows that orders were not carried out for 35 minutes. This also could have compounded fetal distress.

Weaknesses of plaintiff's case

1. No prenatal care except for one visit at 2 months.
2. Auto accident occurred one week prior to this accident without any treatment. Two different nurses documented this fact in the medical records.
3. Issue: question as to whether patient was wearing seatbelt at the time of the motor vehicle accident (patient states she thinks she was, but sheriff first on scene said she was not wearing one).

Requested additional records

1. Police accident reports from prior accident and from this one.
2. Record from one clinic visit at 2 months gestation.
3. Hospital policy regarding response time for physician on call.
4. Records from physician's answering service regarding number of calls placed to Dr. Morrison (OB MD) from ER, time of calls, and when Dr. Morrison called answering service to retrieve messages.
5. Hospital policy for standard procedures to follow when unable to reach MD. ER policy and procedure for treatment of OB cases. L&D policy and procedures for treatment of fetal distress.