

Failure to Monitor Care Results In Amputation for Newborn Twin

Born three months premature on June 28, 1999, Diane weighed less than two-and-a-half pounds and was somewhat depressed. Her APGAR scores were 2 at one minute and only 5 at five minutes. Normal APGAR scores at two minutes would be closer to 10. Clearly there were problems with this newborn that required intensive care. Although Diane was born with normal pulses bilaterally, she was quickly diagnosed with respiratory distress, cardiac dysfunction, anemia, sepsis and polyhydramnios. The newborn was being maintained on a ventilator and had several transfusions.

At the same time, Diane's twin sister Dee was also depressed with similar difficulties associated with a premature birth. Dee only weighed 1 pound 10 ounces and her APGAR scores were 5 at one minute, 8 at two minutes.

Due to difficulties with Diane's condition, an umbilical arterial catheter (UAC) was inserted. A UAC is used to provide a painless way of drawing arterial blood for testing and giving medication, nutrition and fluids.

At 7 a.m. on June 30 – when Diane was just two days old – hospital nurses noted that the infant's right foot was "blanched, purplish and her abdomen was distended". Nothing was done.

At 8 a.m., Diane's right leg had turned dark in color. Nothing was done.

One hour later, after being notified by nurses, the neonatologist told them to try nitro paste.

By 9:30 a.m., the right leg was dark and purple, but still nothing was done except for the nitro paste. It wasn't until 11 a.m. that Diane's UAC was finally removed. An hour later, her right leg remained purplish and showed no sign of recovery.

A noted complication of utilizing a UAC is that it can cause vascular compromise. Prompt removal of the UAC will almost immediately reverse the adverse affects of the vascular compromise. The nurses had the responsibility to monitor Diane's vascular status and to promptly notify her physician, but failed miserably in this regard. Also, after the nurses notified him, the physician was negligent in failing to see and assess Diane's vascular status and timely remove the UAC.



Newborn twins Diane and Dee.

By July 14, Diane's leg became so compromised, an above-the-knee amputation of the right leg was necessary. Had Diane been appropriately assessed and the UAC removed timely, this tragic loss of her right leg could have been prevented.

A rehabilitation physician evaluated Diane as having sustained a 40 percent impairment of the whole person and indicated she will never be gainfully employed. A life care plan was prepared that demonstrated the economic damages would be

in the multi-million dollar range.

In addition to the obvious physical limitations, the emotional/psychological affects of this injury are substantial, including pain and suffering, disability or impairment, disfigurement, mental anguish, inconvenience and loss of capacity for the basic enjoyment of life. The impact on Diane's twin sister Dee was also significant.

What made this case particularly tragic is that the damages could easily have been prevented. Searcy Denney Scarola Barnhart & Shipley attorney Earl Denney handled this case to conclusion, eventually obtaining a recovery of \$2.2 million. ■