

# Child Injury Laws *Blog*

## Delay In Performing C-Section Results In Baby's Brain Damage & Costs Doctor \$3 Million

Posted by **Jonathan Rosenfeld** on April 14, 2011

A New York jury recently awarded \$3 million to a teenage girl who sustained multiple injuries, including **cerebral palsy**, due to the obstetrician's delay in performing a cesarean section (c-section). According to the testimony at trial, the doctor waited between three to four hours to perform the requested procedure.

A c-section was requested because the baby had been diagnosed with fetal asphyxia when the umbilical cord was compressed.

In determining that the doctor deviated from the acceptable standard of care, the jury determined that the delay caused the **babies brain injury**.

Moreover, jurors didn't believe the arguments presented by the doctor that the child's brain injuries were genetic and perhaps brought about by inadequate prenatal care.

The proceeds from this medical malpractice lawsuit will be used to provide future medical care for the child.

Jonathan Rosenfeld offers legal services relating to: birth injuries, medical malpractice, day care abuse, foster care abuse, swimming pool injuries, automobile accidents, school bus accidents, dog bites, food poisoning, product liability, amusement park accidents and clergy abuse. For more information please visit Child Injury Laws Blog (<http://www.childinjurylaws.com/>) or call Jonathan directly at (888) 424-5757. ([www.rosenfeldinjurylawyers.com](http://www.rosenfeldinjurylawyers.com).)

## *Delays in performing c-sections*

Fetal distress is often associated with hypoxia-- a reduction or loss of oxygen to the baby. Fetal hypoxia is associated with the baby's heart rate. Medical staff therefore need to carefully monitor fetal heart-rates and look for abnormal drops or decelerations in the baby's heart rate or by other well recognized changes in the fetal heart rate pattern.

In the event of meaningful changes in a babies heart rate, obstetricians and obstetrical nurses should timely respond to the changes-- which may be a sign of potentially dangerous fetal distress. In some circumstances the abrupt changes in the condition of the fetus will necessitate the prompt delivery of the baby by cesarean section (c-section).

In cases where the babies heart rate is not monitored or goes ignored, prolonged fetal distress may result. The prolonged fetal distress can lead to permanent and irreversible brain injury, also known as **hypoxic-ischemic encephalopathy**.

Therefore, signs of fetal distress need to be acknowledged and communicated to physicians who are trained to handle cases involved stressed fetuses. In many cases, physicians will order a prompt delivery by cesarean section. Timely performed c-section deliveries are recognized as an important step in preventing babies from devastating injuries such as **brain damage** and **cerebral palsy**.

Related:

**Predictors of Outcome of Neonates with Hypoxic Ischaemic Encephalopathy Admitted to the Neonatal Unit of the University Hospital of the West Indies.pdf** JOURNAL OF TROPICAL PEDIATRICS, VOL. 57, NO. 1, 2011

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The association between birth condition and neuropsychological functioning and educational attainment at school age– a cohort study (PDF) Arch Dis Child 2011;96:30–37. doi:30 10.1136/adc.2009.176065

Effect of Treatment of Subclinical Neonatal Seizures Detected With a EEG (PDF) Pediatrics 2010;125:e358–e366; originally published online Jan 25, 2010

Diffusion-weighted and Conventional MR Imaging in Neonatal Hypoxic Ischemia– Two-year Follow-up Study (PDF) Radiology: Volume 249: Number 2—November 2008

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