

Woman left incontinent after hospital failed to detect injuries

MARY CAROLAN

SERIOUS MUSCLE tears suffered by a nurse during the birth of her first child at the National Maternity Hospital (NMH), which have left her incontinent, should have been detected and promptly repaired by the hospital, the High Court has found.

The president of the High Court, Mr Justice Nicholas Kearns, yesterday upheld claims by the 34-year-old woman that the injuries suffered by her during the delivery by forceps of her healthy baby daughter were detectable and ruled the failure to detect and treat them amounted to a breach of the hospital's duty of care. Damages will be assessed later.

The judge dismissed all other claims by her, including that her baby should have been delivered by Caesarean section or that a double instrumental operational delivery should not have been

attempted in the case.

He also rejected claims that the practices and philosophy of the NMH did not conform in 2004 with good obstetric practice and exposed the woman unnecessarily to the risk of injuries such as she had sustained.

The case arose after the woman, a mother-of-two from Rathfarnham, Dublin, suffered internal injuries during the birth of her first child at the NMH on July 20th, 2004.

Delivery was achieved by forceps following attempted ventouse (suction cup) but the woman suffered sphincter muscle tears, which she alleged were caused or contributed to by excessive traction during the procedures.

The tears left her with a problem of incontinence, which was initially mild but increased markedly during her second pregnancy, the judge noted. She continues to have significant prob-

lems of incontinence but is now willing to undergo surgery to repair the relevant muscles, he said.

He ruled excessive traction was not applied during the forceps delivery. However, he found as a fact the sphincter muscle tears suffered by the woman were caused during the forceps delivery. Even spontaneous vaginal deliveries can result in perineal tears, he noted.

He ruled the external sphincter muscle tear was discoverable and was not a minor defect which could easily pass undetected. A careful examination of the woman's external sphincter injury would or should have revealed the third-degree tear in this case.

The discovery of that external sphincter injury would have flagged the existence of the internal sphincter injury, he said. He therefore concluded the failure to diagnose and promptly treat both injuries arose from a breach of the duty of care owed to the woman.