

**HALSTROM LAW OFFICES, P.C.**

**WEB RELEASE**

**FEBRUARY 17, 2009**

**Parents, physicians, licensed practical nurse, and employer settle over missed cystic fibrosis in fetus**

\$1.75 million settlement

The client was seen at a medical practice for prenatal care and genetic counseling during her pregnancy. The client made it known that she had a family history of cystic fibrosis. The defendant nurse practitioner ordered cystic fibrosis screening and wrote that she had ordered the same in the client's medical chart. The nurse practitioner, however, failed to check an appropriate box on a test requisition form sent to the laboratory and thus the test was never performed. The client was never told by the nurse practitioner that the nurse practitioner was ordering a cystic fibrosis screen or test for her, and therefore the client never inquired about the results herself. The nurse practitioner failed to follow up to see if the test was ever performed.

The client's obstetrician (defendant obstetrician #1) failed to follow up on the previous order for a CF screen made by the nurse practitioner when the obstetrician encountered the client 22 days later.

A different obstetrician (defendant obstetrician #2) failed to follow up on the previous order for a CF screen made by the nurse practitioner when the obstetrician encountered the client 23 days after the encounter with obstetrician #1, when the client was at 15 weeks gestation.

Had the proper test been performed there would have been a 25 percent likelihood that the couple's child would be born with the cystic fibrosis. The parents stated that if the test had revealed this probability that the child may have had cystic fibrosis, they would have terminated the pregnancy within the 24-week gestational time window allowed under Massachusetts law.

It was not until after the birth of the child that the parents were informed that their daughter did, in fact, have cystic fibrosis.

Attorney Frederic Halstrom filed a lawsuit on behalf of the parents, seeking damages for the extensive costs associated with caring for a child with cystic fibrosis as well as the emotional harm caused by the failure to diagnose the disease to be offset against the joys of having and raising a child. The parents alleged that the defendant nurse practitioner failed to properly order the CF screening test and failed to follow up to check the results of the test. The parents alleged that the defendant obstetricians failed to properly review the client's medical chart and to similarly follow up to inquire what the CF screening tests results showed.

Attorney Halstrom, on behalf of the parents, submitted a lifecare plan with respect to the future medical needs associated with caring for their daughter. Halstrom Law Offices also retained an economist to testify as to the present value of the anticipated medical costs, an obstetrical expert, and a pulmonary expert specializing in the care and treatment of cystic fibrosis.

The defendant obstetricians and defendant nurse practitioner argued that the parents' projected costs for treatment for their daughter were too high, and that their daughter has a mild form of the disease and would not require much of the projected medical care.

All parties agreed, after negotiations, to settle all claims for \$1,750,000 before trial.