



# BIRTH INJURIES (WHAT TO DO?)

By David E. High, Attorney-At-Law

**M**ost babies are born healthy and thriving. Unfortunately, some babies are born with birth injuries that were potentially avoidable with appropriate and prompt medical care. Failure to perform a timely caesarian section in the face of fetal distress may result in a serious injury to a newborn.

## What is HIE?

Oxygen deprivation or intrapartum asphyxia can cause brain injury to a fetus. One of the most common types of brain damage caused by oxygen loss and lack of blood flow to the brain is called hypoxic-ischemic encephalopathy, or HIE. When HIE occurs, it can lead to severe developmental delays, cognitive delays, or motor impairments. If asphyxia lasts too long, brain tissue is destroyed.

One of the causes of HIE is failure to timely perform a caesarian section in the face of fetal distress. Fetal distress can be detected with proper monitoring of the mother and fetus during labor including fetal heart rate monitoring. If the mother and fetus are not appropriately monitored during labor and fetal distress is allowed to continue without a timely caesarian section delivery, then a permanent HIE injury can occur. The fetal heart rate monitor must be closely monitored by fully trained healthcare providers. The mother and the fetus must both be timely and closely monitored by healthcare providers that are appropriately trained to recognize the signs and symptoms of fetal distress and they must promptly convey any signs or symptoms of fetal distress to the attending physicians. Failure to timely and appropriately monitor the fetus and mother for signs of fetal distress and failure to act promptly on signs and symptoms of fetal distress can result in an otherwise avoidable HIE injury.

## Symptoms

There are a number of symptoms associated with HIE, including meconium-stained amniotic fluid, low heart rate, poor muscle tone, weak breathing



or no breathing at all, bluish or pale skin, excessive acid in the blood and seizures. Tests to confirm HIE after symptoms include: CT scan, MRI scan, echocardiography, and electrocardiogram (EKG), electroencephalogram (EEG), and evoked potential tests. A significant HIE injury at birth can result in lower Apgar scores in the infant, reduced pH in the umbilical artery cord blood gas, abnormal MRI of brain and abnormal EEG. It can cause seizures, hypotonia and impaired neurological and multi-organ function.

Of course not all birth injuries are the result of medical negligence. If an injury may be related to medical negligence, you must act promptly to have the records evaluated. If your child suffered an HIE injury during labor and delivery, you should have your medical records reviewed by an attorney experienced in these types of cases. At High Law Office, PLLC, we can have these cases reviewed and screened at no cost to you.

## Act Fast

Tennessee has a very short statute of limitations of one year and a three-year statute of repose. The statute of repose even applies to infants. In Tennessee, if you fail to file suit for your infant within three years of the negligent medical act or omission, then the baby loses all of its rights. Therefore, you need to act fast and hire an experienced medical negligence attorney. At High Law Office, PLLC, we can assist you in having your potential claim evaluated. We have successfully resolved birth injury claims. This can be done on a contingent fee basis, "No Recovery, No Fee", where you are not charged any fees or expenses unless you have a recovery.

## Free Consultation

If your loved one received a hypoxic-ischemic encephalopathy injury, or HIE injury, we would certainly like to speak with you promptly. Schedule a free consultation with High Law Office, PLLC, at 615-256-1000, or visit us online at [www.HighLawOffice.com](http://www.HighLawOffice.com). Remember, "No Recovery, No Fee!"

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## David E. High, Attorney-At-Law

*David E. High graduated at the top of his class at Nashville School of Law in 1980, graduated with High Honors from the University of Tennessee, Knoxville, and has over 34 years of trial experience. He is a member of the Multimillion Dollar Advocates Forum and has been included in The Best Lawyers in America for over 20 years, Mid-South Super Lawyers, and the Bar Register of Preeminent Lawyers. Mr. High will review your personal injury case without charge and handle your case on a "No Recovery, No Fee" basis.*



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