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An Increase in Kernicterus Cases by Bruce Fagel

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In all the cases the Law Offices of Dr. Bruce G. Fagel& Associates sees throughout the year, we have seen an increase this year especially in cases involving Kernicterus (aka bilirubin encephalopathy). Kernicterus is a type of brain damage associated with a cerebral palsy birth injury and deafness. It comes about as a result of marked jaundice in the newborn period, where there is an elevated level of bilirubin that damages the babyâ€™s brain after birth.

â€œThese cases basically did not exist until 10 years or so ago,â€• notes Dr. Bruce Fagel. â€œMany prac doctors never saw a case of kernicterus during their training. It is a result of a change in the way the health insurance companies have reimbursed hospitals for deliveries.â€•

Prior to 1990, women and their newborns would be in the hospital generally for about three or four days after delivery. However, in the early 1990s, hospitals began discharging babies and their mothers sooner than three or four days, some as early as 24 hours after birth and others were even released less than 24 hours after birth. Because these babies were no longer under direct observation during the critical 3rd-5th day of life, some of them developed high bilirubin levels. High Bilirubin levels can be tested and treated at a hospital before there is an injury, but rarely do mothers of newborn babies recognize the high bilirubin warning signs while at home.

The level of bilirubin is monitored in newborns to determine whether treatment is needed to prevent Kernicterus. Today, no baby should develop brain damage from untreated jaundice. If a baby gets too jaundiced, the infant can be treated with phototherapy. The baby can be put under blue lights most of the day. If the baby gets very jaundiced, an exchange transfusion can be done.

Because of this increase in Kernicterus, the American Academy of Pediatricsâ€™ Joint Commission of Accreditation of Hospitals has devised various protocols for hospitals, training hospital staff how to deal with this the symptoms and signs of Kernicterus.

The Law Offices of Dr. Bruce G. Fagel& Associates understands that while training is an essential component in understanding Kernicterus, there are hospitals that do not always follow proper protocol. Until they respond to this problem effectively, we will continue to see these kinds of hospital malpractice lawsuits. And while the number of cases is still relatively low, it only takes one case to devastate a child and their parentsâ€™ life.

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