寰宇醫事裁判

事例:

妊娠高血壓監測 不當導致孕婦子癲症死亡

Pregnant Woman Died of Eclampsia Because of Inadequate Management of Hypertension

黃浥昕 Yi-Hsin Huang 編譯



平成19(ワ)2969 損害賠償請求事件平成21年12月16日名古屋地方裁判所

摘要

本案係因產婦為監控妊娠高血壓症候群而入院,卻因 HELLP症候群併發子癲症死亡。家屬們認為被告醫院有對產前妊娠高血壓症狀監控不當、剖腹產實行時 機過晚與產後處置不當等管理疏失,故對被告醫院提 起損害賠償訴訟。一審名古屋地方法院認定被告醫院 在產前妊娠高血壓症狀監控、剖腹產實行時機等兩方 面雖無過失,但在產後未投予降壓劑、未實施血液檢 查、在治療子癲症時僅投予標準值六分之一至三分之 一程度的藥量等三點上,認定實有違反注意義務之過 失。損害金額部分,產婦死亡時為31歲,生前的年收 入為2,150,779日圓,可能之勞動年數為36年,其生活 費扣除率為35%,在考量可能產生的腎臟疾病對將來

關鍵詞:生產事故(birth-related incidents)、妊娠高血壓(pregnancy induced hypertension)、注意義務(duty of care)、過失賠償

(negligence Indemnity)

DOI: 10.3966/241553062017050007007

就業能力之影響,其逸失的利益為上述金額的九成。 判定被告醫院應對產婦夫、產婦子各賠償41,034,557日 圓,並對產婦父、產婦母各賠償110萬日圓。

A pregnant woman was in hospital for monitoring and controlling her pregnancy-induced hypertension. But at the end, the woman died of eclampsia with HELLP syndrome. Her family members believed that the hospital was responsible for inadequate control of her pregnancy hypertension, was late for performing cesarean section while she was giving birth, and didn't give her a proper postpartum care. According to the management errors mentioned above, they filed a lawsuit against the hospital for damages. In the first instance, the Nagoya District Court determined that the hospital made no mistakes about monitoring the patient's pregnancy hypertension or the timing of cesarean section. However, there were no administration of antihypertensive agents and no blood tests for the women after giving birth. Furthermore, they gave only one-sixth to one-third of standard dose during the treatment of eclampsia. All these showed that the hospital had acted in violation of duty of care. As for the amount of compensation for damage, multiple factors should taken into account: because the patient died at the age of 31, the potential years of work were 36 years; her annual income was 2,151,079 yen, with a 35% deduction rate for living costs; her possible kidney disease would affect her future employability, the loss of the benefits was 90% of the above amount. The court finally ordered the hospital to pay the patient's husband and son 41,034,557 yen for each, and to pay both of her parents 1.1 million yen.

閱讀全文:《月旦醫事法報告》第7期

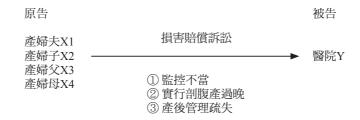
http://www.angle.com.tw/magazine/m single.asp?BKID=1834

膏、事實概要

一、事件概要

本案係因產婦A為監控妊娠高血壓(pregnancy induced hypertension, PIH)症候群而入院,卻因併發HELLP症候群¹、子癲症導致A死亡,A之家屬產婦夫原告X1、產婦子原告X2、產婦父原告X3、產婦母原告X4認為被告醫院Y對產婦A PIH症狀監控不當、剖腹產實行時機過晚與產後處置不當之管理疏失,故對被告醫院Y提起損害賠償訴訟。

產婦A於1月5日懷孕30週又6日時被診斷為早發型PIH症候群,而入院接受監控;1月15日懷孕32週又2日實行剖腹產產出原告X2;1月17日產婦A因子癲症(Eclampsia)併發HELLP症候群,於2月13日死亡。



二、相關醫學名詞

在懷孕20週到分娩後的12週間,因懷孕引起之高血壓症狀 可分為三類:

(**—**) PIH

只有血壓升高,並無合併蛋白尿、水腫,於生產後恢復正常。血壓值為收縮壓>140mmHg、舒張壓>90mmHg,

¹ HELLP其命名來自包含溶血性貧血(Hemolytic anemia)、肝酵素升高(Elevated Liver enzymes)及血小板不足(Low platelet count)三項特徵。

或妊娠後期之血壓比早期收縮壓高30mmHg,或舒張壓升高 15mmHg。又以發症時間在妊娠32週之前後區分為「早發型」 與「遲發型」。早發型相較於遲發型,其產生併發症及導致重 症化的頻率高,可能引發肝腎機能障礙、凝血異常、呼吸循環 與中樞神經系統障礙等多重器官障礙致死。

PIH重症之判斷標準為: 1.收縮壓160mmHg以上且舒張壓110mmHg以上; 2.蛋白尿2g / 日以上,在多次隨時尿檢查皆為連續3+(300mg/dl)以上。

(二)子癲前症

除高血壓外,同時伴有蛋白尿或水腫症狀。「HELLP症候群」係一種子癲前症(Preeclampsia)的併發症,其定義為溶血性、肝臟酵素升高、低血小板之綜合症候群,亦即PIH併發蛋白尿,同時牽涉到肝臟、腎臟與腦部的特別病症,嚴重時會導致孕婦死亡。HELLP和PIH的治療準則同樣都是終止懷孕,其早期診斷、早期治療之預後較佳。

HELLP症候群根據Sibai²的診斷標準:1.溶血病的紅血球出現、LDH 600IU/I以上、膽紅素1.2mg/dl以上;2.肝酵素升高、AST(GOT)70IU/I以上、LDH 600IU/I以上;3.血小板減少10萬/ μ ℓ以下。

「partial HELLP症候群」可説是轉移至HELLP症候群的前兆,必須嚴密監控,若未滿足以上三個標準,而有以下四項情形之一,即稱為「partial HELLP症候群」:1.GOT、LDH高於正常範圍;2.膽紅素、LDH高於正常範圍;3.血小板數在15萬/μℓ以下;4.血中AT III未滿80%。

² 友田昭二, HELLP, TTP, HUS の診断 およびその管理, http://www.jsog.or.jp/PDF/51/5102-31.pdf (瀏覽日期: 2017年2月25日)。