

Medical-Legal Forum: Newborn Protection

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Dell's unexpected telephone call interrupted a rather busy, unproductive paper-shuffling day. "Ralph," she began, "I've got great news. The promotion came through—it's just what I want."

"Great, great, honey," I replied. Dell had been trying to land this job as Chief X-ray Technician for two years, and it seemed that all of her hard work had now paid off."

"Let's celebrate." Dell continued. "Make reservations at Villa Vincenzo's at 8 o'clock. I'll meet you there."

"Okay, honey, I'll see you then." I hung up, feeling a special glow. Dell was seven months pregnant, feeling well, able to continue working, and had received great progress reports from her obstetrician, Dr. Copeland. I decided to call the restaurant and ask them to place a bottle of Brut champagne on the middle of the table surrounded by a dozen yellow roses.

I arrived at Villa Vincenzo's at the same time as Dell, kissed her quickly, and ushered her inside. She looked lovely in her materni-



ty dress—just the right amount of makeup with a touch of Giorgio perfume. I looked at her, smiled, and thought to myself how lucky I was to have married this wonderful woman. We sat down, and I immediately asked the waiter to pour the champagne. We toasted to Dell's new job and decided to order.

"What would you like this evening, Madame?" the waiter asked.

"I think I will have breaded veal cutlet, pasta Alfredo, and a baked potato. Please bring black coffee with dinner."

"Would you care for any other vegetables?" the waiter continued.

"I think not," replied Dell.

"And for you, sir," he said, turning toward me.

"I believe I will have the antipasto, veal scaloppini with a side order of eggplant, and bring me a Lite beer as well.

"Very good, sir," he said as he turned and walked away. I poured another glass of champagne, and we talked for a few moments. Suddenly the maître d' of the restaurant appeared in front of us.

"Buona Sera," he began.

"Good evening," I replied.

"I am sorry to interrupt your dinner, but Mr. Skurow, the manager of the restaurant, would like to see you in his office. It's important. Please follow me."

"What about our dinner?" I exclaimed.

"Dinner will wait for your return," he replied. "Please follow me."

Rather bewildered, quite annoyed, and still hungry, we followed him into the manager's office. Mr. Skurow was fiftyish, rather suave, with graying hair and jet black eyes, which quickly darted as he spoke.

"Please sit down," as he motioned us to a small couch at one end of the room. He sat down at a desk at least ten feet from us across a plush, British racing green carpet.

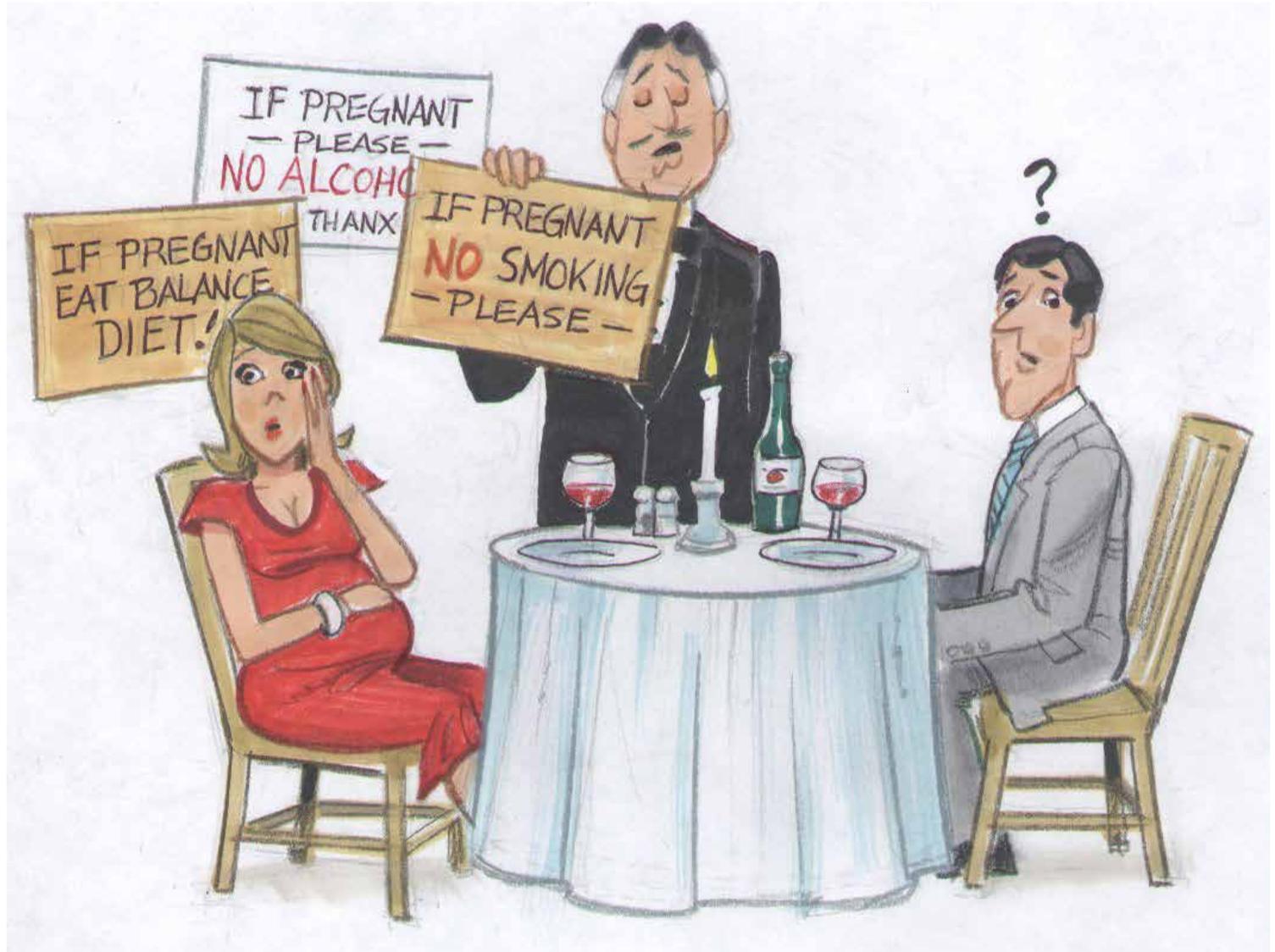
Hoping to take the offensive quickly, I said, "I hope you have an adequate explanation for interrupting our dinner."

"Yes, yes, yes," he continued. "As you know, Mr., eh....?"

"Rubin," I replied.

"Ah, yes, Mr. Rubin, the "Protect the Newborn Act," which Congress recently passed, is quite specific about do's and don'ts for pregnant women in an attempt to protect the unborn child from illness and stress. All restaurants, employers, physicians, and industries have had to read and understand the law and abide by it. You know about the law, don't you? Your obstetrician should have been quite explicit about it."

"Dr. Copeland did mention the law, but he is old-fashioned about his practice and actually did not spend too much time telling us



about it. What, if anything, does this have to do with interrupting our dinner and spoiling a perfectly good evening?

“Ah, yes, Mr. Rubin, the “Protect the Newborn Act,” which Congress recently passed, is quite specific about do’s and don’ts for pregnant women in an attempt to protect the unborn child from illness and stress. All restaurants, employers, physicians, and industries have had to read and understand the law and abide by it. You know about the law, don’t you? Your obstetrician should have been quite explicit about it.”

Please get to the point, and be brief. We are both hungry, and my wife, who is seven months pregnant in case you haven’t noticed, needs her nourishment.”

“Yes, yes, yes.” He continued. “The law specifically states that pregnant women shall not be allowed to consume alcoholic beverages of any type during pregnancy and they are also not allowed to use caffeine products of any sort. There have apparently been some problem cases through the courts stating that a baby was injured by the mother having even an occasional drink and a few cups of coffee during pregnancy. The “Newborns-Have-Rights-Also’ groups have won several cases concerning the rights of the newborn child and the apparent fault of the mother. Second, the diet must be carefully controlled and nutrition balanced. As you can see the meal which Mrs. Rubin, it is Rubin, isn’t it? Your first name is

“Dell,” I interrupted, “Go on, man, go on.”

“Yes, yes, yes.”

I was getting more annoyed by the minute, and the “yes, yes, yes” was not helping any.

“As you can see,” he continued, “a dinner consisting of breaded veal cutlet, pasta, and potatoes is loaded with starch and does not contain enough vegetables or a balance between protein, fat, and carbohydrates. This is something which we “restaurateurs” must be careful of today because if an inspector is present, our license can be revoked. Also, if a federal or state official noticed Mrs. Rubin drinking champagne or coffee in Villa Vincenzo’s, we would be fined, and you would be asked to appear in court to defend your actions in jeopardizing your newborn infant.”

“This is preposterous,” I said, rising and pulling Dell with me.

“Preposterous, maybe,” he continued,” but I would advise making an appointment with your obstetrician tomorrow for he can fill you in on other parts of the law. These, I believe, deal with allowable types of employment, smoking, and other potential hazards to the baby. As you can see, there is no smoking allowed in most public places today, for apparently, the baby remains at risk.”

“It seems to me,” said Dell, obviously bewildered and upset, “that the unborn baby has begun to have more rights than the parents.”

“Yes, yes, yes,” was the reply. “Now, before it gets too late. Could I interest Madame in the zucchini squash?”

Disclosure: There are no reported conflicts.

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Disclaimer:

This column does not give specific legal advice, but rather is intended to provide general information on medicolegal issues. As always, it is important to recognize that laws vary state-to-state and legal decisions are dependent on the particular facts at hand. It is important to consult a qualified attorney for legal issues affecting your practice.