

Unauthorized surgery leads to labia alteration

MARICOPA COUNTY (ARIZ) SUPERIOR COURT—A 44-year-old woman presented to her Ob/Gyn with problems of vaginal laxity that caused sexual dysfunction. The physician recommended she undergo an episiotomy scar revision. Postoperatively, it was discovered that the doctor instead performed a labioplasty.

In suing, the patient contended that the physician performed an unauthorized surgery. Further, she felt the procedure permanently disfigured her genitalia.

While the doctor admitted to performing a different procedure than the one the patient consented to, the Ob/Gyn argued that the woman's labia looked normal. In addition, the physician argued that the patient did not seek psychological counseling following the labioplasty and remains sexually active.

The jury awarded the plaintiff \$750,000.

Hysterosalpingogram results in PID, fallopian tube damage

KINGS COUNTY (NY) SUPREME COURT—A woman presented to her Ob/Gyn with infertility. The physician recommended she undergo a hysterosalpingogram, which was performed by a radiologist. Postoperatively, she developed pelvic inflammatory disease (PID), resulting in damage to her fallopian tubes.

In suing, the patient contended that the physician failed to prescribe prophylactic antibiotics prior to the procedure. Further, the damage to her fallopian tubes will prevent her from conceiving naturally.

The doctor argued that the procedure was performed correctly, that PID is a known risk of a hysterosalpingogram, and that prophylactic antibiotics were not necessary.

The jury returned a verdict for the defense.

Did OCs cause teen's stroke?

HENNEPIN COUNTY (MINN) DISTRICT COURT—A 16-year-old girl presented to a clinic requesting oral contraceptives (OCs). Three months later, she suffered a stroke, resulting in a limp in her gait, cognitive limitations, and diminished use of her right arm.

In suing, the patient argued that the OCs never should have been prescribed because of a maternal

family history of blood clotting disorders.

The defendants contended that, according to the *Physician's Drug Reference*, the particular OCs prescribed were not absolutely contraindicated. Further, the clinic alleged there were no records that proved the teen received the OCs from their institution. The physicians claimed the her smoking, alleged drug use, and a prior abortion may have caused the stroke.

A \$425,000 settlement was reached.

Did discontinued terbutaline result in premature delivery?

MARICOPA COUNTY (ARIZ) SUPERIOR COURT—When a gravida at 27 weeks presented to the hospital with contractions, the OB nursing staff initiated intravenous terbutaline. Once the contractions were controlled, the staff discontinued the drug. The mother then delivered a premature infant who was blind.

In suing, the patient claimed that the nursing staff should not have discontinued the terbutaline.

The hospital argued that even if the medication had been continued, the gravida still would have delivered prematurely.

The jury returned a verdict for the defense.

Failure to diagnose cervical cancer leads to death

PRINCE GEORGE'S COUNTY (MD) CIRCUIT COURT—A woman at high risk for cervical cancer had a routine Pap smear and was told the results were normal. A repeat Pap months later also was normal. The following year, she had another Pap smear, which showed abnormalities. Following a colposcopy and biopsy, the physician diagnosed infiltrating cervical cancer that had metastasized. The patient died shortly thereafter.

In suing, the patient's family contended that the pathologists failed to accurately interpret the test results, causing a delay in treatment. Had the woman been properly diagnosed, they claimed, the cancer could have been treated in a timely fashion.

The case settled for \$1.2 million.

The cases presented here were compiled by Lewis L. Laska, editor of Medical Malpractice Verdicts, Settlements & Experts. While there are instances when the available information is incomplete, these cases represent the types of clinical situations that typically result in litigation.