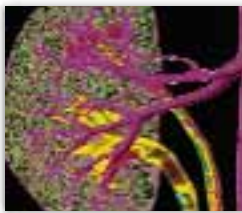


Did failure to note ureter transection lead to kidney loss?

Undisclosed County (Calif) Superior Court

A 70-year-old woman presented to a hospital for laparoscopic removal of left and right adnexal masses. Noting dense adhesions, however, the surgeon opted to perform an open procedure.

Postoperatively, a pathologist informed the physician that the patient's right ureter was transected. After an intravenous pyelogram, several attempts were made to repair the ureter; all were unsuccessful. The patient ultimately underwent a right radical nephrectomy.



In suing, the woman claimed that the surgeon had negligently clamped and transected the ureter, then failed to notice the injury intraoperatively. She claimed that the kidney removal could have been avoided had the doctor noted the transection in a timely fashion.

The doctor argued that ureteral transection is a risk of the procedure. She further maintained that removal of the patient's right kidney would have been required even if the injury had been discovered intraoperatively.

■ Following a 2-day arbitration, the plaintiff was awarded \$233,533 plus \$17,943 in enhanced costs.

Failure to place cerclage blamed for brain damage

Undisclosed County (Mass) Superior Court

Due to an incompetent cervix, a woman gave birth at 25 weeks' gestation to a baby girl. The child suffered severe brain damage as a result of her prematurity.

In suing, the mother claimed that the Ob/Gyn failed to recommend cervical cerclage despite the fact that the woman had a prior fetal

loss due to an incompetent cervix, as well as a previous successful pregnancy with the placement of a prophylactic cerclage. The woman maintained that her child's injuries would have been avoided had a cerclage been utilized.

The Ob/Gyn contended that the patient's medical history as described was not consistent with an incompetent cervix. The physician maintained that treatment as provided fell within the standard of care.

■ The case settled for \$2.6 million.

Did antifungal medication cause subdural hematoma?

Harris County (Tex) District Court

With complaints of vaginal itching and burning, an 80-year-old woman taking anticoagulant medication presented to a gynecologist. Her doctor prescribed 2 weeks of an antifungal topical cream.

Following treatment the woman returned, again complaining of vaginal itching and burning. The physician's partner ordered a single 150-mg oral dose of an antifungal medication (fluconazole).

Five days later, the woman again presented to her original physician. She noted that when she went to fill the prescription, she complained of headaches to the pharmacist, who suggested she have her clotting time checked.

Examination revealed that her clotting time was indeed abnormally high, and a subsequent computed tomography scan showed bleeding around the brain. She later suffered a subdural hematoma and seizure disorder, requiring her to spend 1 month in a rehabilitation facility. She died 2 years later of unrelated causes.

The woman's estate sued, claiming the physicians acted negligently in ordering antifungal medication for a patient taking an anticoagulant.

The doctors argued that the antifungal

medication did not cause the woman's high clotting times. Further, they noted that she had missed her last 4 monthly clotting-level checks.

■ The jury returned a defense verdict.

Failed D&C follows missed abortion

Tulsa County (Okla) District Court

A 20-year-old woman presented to a hospital after suffering a missed abortion.

A resident, supervised by an Ob/Gyn, attempted to perform a dilation and curettage (D&C) procedure, but was unsuccessful in removing the fetus. Ten days later, the fetus was expelled from the patient's body while she was at home. She subsequently underwent a second D&C.

In suing, the woman claimed she never consented to have a resident conduct the D&C. She also argued that the procedure was negligently performed.

The doctors maintained that the patient was told a resident would be involved. They further noted that not being able to remove the fetus is a known risk of the D&C procedure.

■ The jury returned a defense verdict.

Did delayed diagnosis worsen cervical, lung cancer?

Bronx County (NY) Supreme Court

A 47-year-old woman presented to her gynecologist for an annual examination and Pap test. She claimed, however, that she never received the results.

She returned to the doctor 3 months later complaining of increased bleeding and dizziness. No tests were administered at that time.

Six months later, she returned for another Pap test. The results were positive for stage IB cervical cancer with vascular invasion. The patient underwent a radical abdominal hysterectomy, including bilateral salpingo-oophorectomy, as well as radiation and chemotherapy. She has since been diagnosed with lung cancer.

In suing, the patient claimed that the delayed diagnosis caused her condition to worsen and made the procedures necessary.

According to the physician, however, the patient was informed that her first Pap test was slightly abnormal. The doctor further claimed that the woman failed to follow up on the results, missing a subsequently scheduled appointment.

■ Prior to jury selection, the parties settled for \$1.75 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.

RECRUITMENT SPECIALISTS

M.J. JONES & ASSOCIATES

Specializing in Chicago/Northern Illinois practice opportunities for OB physicians.

400 E. Diehl Road, Suite 300
Naperville, IL 60563
(800) 525-6306
Fax: (630) 955-0520
E-mail: Info@DrChicago.com
www.DrChicago.com

KENT TUCHMAN & ASSOCIATES, LLC

230 Park Avenue, #1005 10th FL
New York, NY 10169
(212) 490-6309
Toll-Free: (800) 231-1925
Fax: (212) 490-6350
KenTuchman@aol.com

MEDICAL DOCTOR ASSOCIATES

The complete medical staffing company
Locum Tenens and Perm
145 Technology Parkway NW
Norcross, GA 30092
(770) 797-2155
Fax: (770) 248-6755
E-mail: info@mdainc.com
www.mdainc.com

THE CAMBRIDGE GROUP LTD.

1175 Post Road
East Westport, CT 06880
Contact: Maura Keenan
(800) 525-3396
Fax: (203) 226-3856
E-mail: obgyn@cambridgegroup.com

MEDICAL DIRECTIONS

410 Saw Mill River Rd., Ste. 1005
Ardley, NY 10502
Contact: Dave Kapiroff
(914) 478-8500, ext.126
Fax: (914) 478-8545
E-mail: djk@medical-directions.com
www.medical-directions.com

INTERIM PHYSICIANS

Representing Ob/Gyns for
Locum Tenens Coast-to-Coast
4170 Ashford Dunwoody Road

Suite 500, Atlanta, GA 30319
(800) 226-6347
Fax: (800) 353-5714

MEDICAL STAFFING ASSOCIATES

Ellen Gilliland
6731 Whittier Avenue
Third Floor McLean, VA 22101
(800) 235-5105
Fax: (703) 893-7358
E-mail: egilliland@serviceusa.com
www.medstaffer.com

LAWLOR & ASSOCIATES, INC.

1568 McDaniel Drive
West Chester, PA 19380
Contact: Margie Quinlan
(800) 238-7150
Fax: (610) 431-4092
E-mail: LawlorRctg@aol.com
www.lawlorandassociates.com

HAYMAN DAUGHERTY ASSOCIATES

Nationwide Placement
5105 Old Ellis Pointe
Suite 200
Roswell, GA 30076
Contact Katrina Trapnell
(800) 782-4999
Fax: (800) 782-4999
E-mail:
karen@haymandaugherly.com
www.haymandaugherly.com

COMPHEALTH PHYSICIAN SEARCH GROUP

Larry Stewart, President
25 Van Zant Street
Norwalk, CT 06855-1786
(800) 365-8900, ext. 215
E-mail: lstewart@comphealth.com
www.comphealth.com

MEDPRO

Wendy Littlefield
PO Box 837
Wrightsville Beach, NC 28480
(800) 308-8434
Fax: (910) 256-6961
E-mail: medpro@medpro-search.com
www.medpro-search.com