

Resident's C-section injures multiple organs

District of Columbia Superior Court

A 28-year-old woman at term underwent a cesarean section for failure to progress after pushing for 2 hours.

A resident performing the cesarean lacerated the woman's bladder, ureter, and vagina, ultimately necessitating a total hysterectomy.

In suing, the woman alleged the laceration of multiple organs was negligent. She claimed she had posttraumatic stress disorder, overactive bladder syndrome, dyspareunia, and chronic pelvic pain. She required placement of a nerve stimulator to calm the bladder and reduce her pain.

The defense conceded that surgical errors were made, but claimed the woman's long-term medical conditions were not caused by the lacerations. Rather, the defense suggested, the hysterectomy and postsurgical complications were related to the pushing during the initial attempt at vaginal delivery.

- The jury awarded the plaintiff \$17 million.

Patient claims she had the wrong operation

Lake County (Ind) Superior Court

A woman with irregular menstrual cycles and chronic pelvic and abdominal pain in whom conservative treatment had failed was scheduled for a total abdominal hysterectomy. When her pain continued after the surgery, she consulted her surgeon, who had actually performed a right ovarian cystectomy and several other procedures instead of the total abdominal hysterectomy.

In suing, the woman claimed the surgeon failed to perform the agreed-upon procedure.

The surgeon maintained he did what was necessary and had discussed the potential for alternative scenarios with the woman prior to the surgery.

- The jury returned a defense verdict.

Marsupialization of cyst blamed for painful sex

Will County (Ill) Circuit Court

A 46-year-old woman returned to her gynecologist for a recurrent Bartholin's gland cyst after an initial incision and drainage. The woman believed she was undergoing a second incision and drainage.

The gynecologist's colleague performed a partial marsupialization of the cyst to allow drainage and prevent a recurrence, allegedly without providing a consent form. After the procedure, the woman complained of pain during sexual intercourse that adversely affected her marital relationship.

In suing, the woman claimed the physician failed to obtain informed consent and failed to perform the procedure within the standard of care because the opening was allegedly larger than it should have been.

The physician claimed a discussion of the potential risks and complications took place before the procedure and, moreover, that a signed consent form is not a prerequisite to informed consent. The physician maintained the woman's complaints of pain during sex were consistent with postmenopause. The defense also claimed the standard of care was met because the cyst did not recur afterward.

- The jury returned a defense verdict.

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Residents blamed for fatal insulin overdose

Cook County (Ill) Circuit Court

A pregnant woman diagnosed with gestational diabetes was prescribed a daily dose of insulin at a family clinic by 2 residents and an attending physician. The woman received instructions on diet and insulin self-injection, on a Friday. According to the log of her blood sugar levels, she followed her medication regimen properly over the weekend, yet was found dead in her apartment on Monday. Autopsy revealed the cause of death was accidental insulin intoxication.

In suing the hospital, the estates for the mother and fetus alleged overprescription of insulin. The hospital denied either resident was acting as its agent. The defense claimed the residents were not negligent and had used the proper method for determining daily insulin dose and the proper means of insulin administration.

The defense also disputed the cause of death, asserting the blood tested for insulin level during the autopsy should have been obtained from a peripheral location (not an atrium of the heart) for an accurate reading of predeath level.

- The jury returned a defense verdict.

Did low incision cause paresthesias along legs?

Angelina County (Tex) District Court

A 54-year-old woman complaining of severe cramping and bleeding underwent a dilation and curettage, then a vaginal hysterectomy the next month. A year later the same surgeon removed the ovaries and performed a Marshall-Marchetti-Krantz procedure for incontinence. The woman began complaining of burning, pain, and tingling in the vaginal area and hips, then in her legs and ankles.

In suing, the woman claimed the incision for the MMK was too low and the MMK was the wrong procedure. She claimed that the MMK procedure entrapped the ilioinguinal and iliohypogastric nerves.

The physician maintained that the woman's symptoms were unrelated to the surgery, and disagreed with the plaintiff's assessment that the incision was "too low."

- The jury awarded the plaintiff \$709,000, which was reduced to \$200,000 (the limit of the defendant's insurance policy) because of the defendant's bankruptcy.

Did mix-up on ultrasound lead to fetal death?

Snohomish County (Wash) Superior Court

A day after a 36-year-old gravida at 36 weeks' gestation was placed on bed rest for mild preeclampsia, she called the clinic to report that her fetus had stopped moving. The on-call family physician read the fetal heart monitor as nonreactive and ordered a STAT biophysical profile ultrasound and a follow-up ultrasound for later that night.

A complete obstetrical ultrasound was performed instead, and the records did not document any follow-up. A few days later at a regularly scheduled exam, fetal distress was diagnosed. Fetal monitoring at the hospital showed a fetal heart rate deceleration that led to an emergency c-section.

The infant did not have a detectable pulse until 16 minutes after birth. It was later determined that the mother had a fetal-maternal hemorrhage, leading to the loss of 75% of the infant's blood. The child has cerebral palsy, cortical blindness, and spastic quadriplegia.

In suing, the woman claimed proper treatment would have avoided the brain damage. The defense claimed the brain damage occurred before her last clinic visit.

- The jury awarded the plaintiff \$17 million, finding 80% liability with the hospital and 20% with the physicians. ■

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