
MEDICAL MALPRACTICE: A Review of 50 Cases

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INTRODUCTION

Fifty medical malpractice cases were reviewed to evaluate age, sex, surgical procedures performed, diabetes, psychiatric medications and tobacco use. All of the cases involved a surgical procedure. All the cases were filed and closed before 1999. The dismissal, settlement, or trial of the cases was not evaluated. These cases involved DPMs, MDs, and DOs.

DATA

The age of the 50 patients ranged from 18 to 87 years (average age 48 years). Thirty-three (66%) patients were female and 17 (34%) were male.

The most common surgical procedure performed was for hallux abducto valgus (n = 18). The remaining procedures were 5 hammertoe procedures, 5 surgical debridements, 3 collapsing pes valgo planus, 3 ankle fracture reductions, 3 plantar calcaneal, 2 tarsal tunnel releases, 2 neuromas, 2 ankle ligament repairs, 2 tendo Achilles repairs, 1 malignant melanoma, 1 metatarsal osteotomy, 1 metatarsal fracture reduction, 1 pantalar arthrodesis, and 1 Taylor's bunion.

Five (10%) patients had a documented history of diabetes. Two of these patients had debridement of existing infections, 1 had a postoperative infection with gangrene of second digit hammertoe surgery, 1 had regional complex pain syndrome after fifth digit hammertoe surgery, and 1 had a nonunion after open reduction internal fixation of an ankle fracture.

Twelve patients (24%) were taking a prescription medication for a psychiatric condition or sleep disorder. These included 5 taking alprazolam (Xanax), 2 taking amitriptyline (Elavil), 1 taking clonazepam (Klonopin), 1 taking fluoxetine (Prozac), 1 taking diazepam (Valium), 1 taking gabapentin (Neurontin), and 1 taking flurazepam (Dalmane). These medications were documented in the initial patient encounter as being prior to any surgical procedures.

Twenty patients (40%) had a documentation of tobacco use in the initial patient encounter record. In addition, 20 (40%) patients had documentation as negative for tobacco use, and 10 (20%) had no documentation at all concerning tobacco use in that there

was no question asked on the patient information sheet or in the history and physical. The patients with questionable tobacco use are shown with a question mark (?) in the summary charts.

DISCUSSION

This data describes medical malpractice case profiles. The malpractice cases are presented to enable a discussion about patient selection and predictions of patient satisfaction. The use of psychiatric medications and tobacco use appear to be present in these cases in an abnormal percentage. According to the National Center of Health Statistics data for the year 2000 (reported in 2004) approximately 10% of adult females and 5% of adult males in the US take prescription psychiatric medications. In this study, 24% of patients were taking these medications. According to the 2003 National Cancer Institute report, 30% of the adults in the US smoke tobacco. In this study, 40% of patients had a documented tobacco use and 10% lacked any tobacco documentation. Those cases with no documentation are identified with a question mark (?).

The fifty cases are presented in the following summary charts.

HAV (18 CASES)

CASES 1-9

- Austin, Infection, Tobacco, Dalmane
- Austin, Infection, Tobacco
- Austin, Tobacco, Manic Depression
- Austin, HIV+, Tobacco, Anxiety Disorder
- Implants, Recurrence, Tobacco
- Crescentic Base, Recurrence, Tobacco, Xanax
- CBWO, Tobacco, Nonunion
- CBWO, Tobacco
- Hallux IPJ, Tobacco, Nonunion

CASES 10-18

- Austin, Limitus
 - Austin, ?
 - Austin, Varus
 - Austin, Limitus
 - Austin, absorbable screw reaction, HIV+, ?
 - CBWO, ?
 - Implant, HAV Recurrence
 - Mod McBride, RSD, Elavil, ?
 - Mod McBride, Recurrence, ?
-

DEBRIDEMENT (5 CASES)

- Digit 2, DM, Tobacco, Gangrene
 - Digit 3, Osteomyelitis, ?
 - Digit 4, Floppy Toe
 - Digit 5, Floppy Toe
 - Digit 5, DM, Anxiety, Xanax, RSD
-

HAMMERTOES (5 CASES)

- Puncture Wound, Osteo, Neurontin
 - Ulcer, MS, Wheelchair, Tobacco, Valium
 - Ulcer, Tobacco, Psychosis, Klonopin
 - Ulcer, DM, quit tobacco, Asthma
 - Ulcer, DM, gangrene hallux
-

CPVP (5 CASES)

- Nonunion first Met-Cuneiform, ?
 - Nonunion first Nav-Cuneiform, Tobacco
 - Tendon Surgery, Recurrence, ?
-

ANKLE FRACTURES (3 CASES)

- ORIF, DM, Arthritis, Xanax
 - ORIF, Arthritis, Tobacco
 - Childhood MVA, age 26, Psychosis, ?
-

HEEL (3 CASES)

- EPF, Recurrence, Tobacco, Neurontin
 - Open Spur, TTS, Retained Sponge, ?
 - Steroid Injection Infection, DM
-

NEUROMA (2 CASES)

- Adjacent Interspaces, Xanax, 3 toe amp
 - 3rd Interspace, Tobacco, Elavil
-

NEUROMA (2 CASES)

- Adjacent Interspaces, Xanax, 3 toe amp
 - 3rd Interspace, Tobacco, Elavil
-

REMAINING CASES (9 CASES)

- Ankle Ligament Repair, RSD
 - Ankle Sprain, BCP, DVT
 - Malignant Melanoma dx Verrucae
 - Metatarsal Osteotomy 3
 - Metatarsal Fracture 4+5, Nonunion, Tobacco
 - Pantalar Arthrodesis, Nonunion, Tobacco
 - Tailors Bunion, Tobacco
 - Tendo Achilles Rupture Repair, FATAL PE
 - Tendo Achilles Rupture, Steroid Injection
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