

## Following Are Examples of Specified Medical Claims

**Medical Student** - A medical student has been named in a lawsuit involving a male patient who was left in a permanent vegetative state following surgery for a benign postatic hypertrophy. The suit alleges that the anesthesiologist, the certified registered nurse anesthetist and the student all failed to properly monitor the patient's status while under the effects of anesthesia and prematurely extubated him, which resulted in a hypoxic/anoxic brain injury that left him in a persistent vegetative state.

In his defense, the defendant maintains that during the procedure, and later on when the plaintiff coded, he did nothing without the supervising CRNA's approval and direction, as he was only three weeks into his student training program when this occurred. The suit is pending.

**Clinical Trials** – A claim was filed against a private clinical pharmaceutical testing company after 26 people who participated in a clinical trial of a new drug became ill after being given the wrong dosage. The experimental drug was designed to lower cholesterol levels and was a combination of an established, FDA-approved drug and another ingredient. In error, an employee of the defendant administered five times the dosage than was prescribed. As a result, all 26 participants in the trial were adversely affected to varying degrees, including several who required hospitalization. A settlement is being negotiated.

**Birthing Centers/Midwives** – A midwife staffing agency and two of their midwives are named in a lawsuit brought by a couple whose baby was born with significant disabilities as a result of hypoxia arising during delivery.

The suit arose when the mother, who had two previous C-sections, gave birth to her third child. During her pre-natal care and into her labor, she was adamant about giving birth vaginally, even though she had been cautioned about the high risks associated with doing so given her two previous C-sections. Even after it became apparent she was in acute distress during her labor, and an OB/GYN was called in, she continued to refuse a C-section.

As the situation became increasingly dangerous, the OB/GYN insisted that the midwives gain the mother's consent to perform the operation. She continued to refuse until she was very close to delivery. She eventually gave her consent but, unfortunately, it was too late and a uterine rupture occurred, depriving the baby of oxygen. As a result, the baby was born with cerebral palsy and will require acute medical care throughout his life.

The lawsuit centers on whether the midwives made the plaintiff sufficiently aware of just how serious the consequences of a vaginal birth could be. This suit is currently in mediation.

**Correctional Medicine** - Two physicians and a dentist were named in a lawsuit filed by an inmate at a state prison. The suit arose after the plaintiff experienced complications following the extraction of an impacted wisdom tooth. Soon after the procedure, the defendant began experiencing a lot of pain and was having difficulty opening his mouth and swallowing food. He asked to go to the hospital, but there was some delay in getting him there. After being admitted, he was diagnosed with Ludwig's Angina, an extremely rare but potentially life-threatening infection of the base of the mouth and throat.

In his lawsuit, the plaintiff alleges negligence on the part of the physicians and dentist who treated him. The defense responded that their care was in no way negligent, and that it is unlikely the delay in getting the plaintiff to the hospital had any impact upon his contracting Ludwig's Angina. Rather, they point to the fact that the plaintiff is an alcoholic, a fact he did not disclose, and a heavy smoker, both of which can be linked to a compromised immune system, and can lead to the infection. Suit is in mediation.



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