



**COMMENTARY
PROVIDED BY**

John Hickner, MD, MSc



This is a sober reminder that doing more tests does not protect one from litigation.

Was this CT with contrast unnecessary—and harmful?

A 52-YEAR-OLD WOMAN presented to the emergency department (ED) with leg pain and vaginal bleeding. The ED physicians ordered a computed tomography (CT) scan with contrast. Following the administration of the contrast dye, the patient's blood pressure spiked and a brain aneurysm ruptured. The patient immediately underwent cranial surgery and recovered well. However, she still suffers from paralysis, cognitive issues, and weakness in her left arm and leg. She has been unable to return to her job.

PLAINTIFF'S CLAIM The doctors ran several unnecessary tests, including the CT scan, which caused her to have an allergic reaction.

THE DEFENSE The CT scan was necessary to rule out a stomach abscess, and the ruptured aneurysm was caused by her medical condition and not the dye.

VERDICT \$3.62 million New Jersey verdict.

COMMENT *Here is a sober reminder that doing more tests does not protect one from litigation. We are not told enough in this short report to know if there was a legitimate indication for a CT scan, but the large award suggests there was not. The Choosing Wisely campaign (<http://www.choosingwisely.org>), which has a goal of "advancing a national dialogue on avoiding wasteful or unnecessary medical tests, treatments and procedures," is not just about saving money—it is about practicing medicine appropriately.*

Patient dies after being prescribed opioids right after detoxification

A 52-YEAR-OLD WOMAN had been going to the same physician for 17 years. While she was under his care, she had been prescribed various narcotics, benzodiazepines, and barbiturates, and she had become addicted to them. The patient suffered a fall at home that was allegedly caused by an overdose of these medications. During a 3-week hospitalization after her fall, the woman went through a detoxification protocol to ease her dependence on the drugs. During her next appointment

with her physician, he prescribed alprazolam and morphine sulfate daily. A week later, the woman died, allegedly due to an overdose of the alprazolam and morphine sulfate.

PLAINTIFF'S CLAIM The defendant's failure to investigate the reason for the decedent's hospitalization violated the standard of care. If the physician had inquired about his patient's recent hospitalization, he would have been told about her detoxification, and wouldn't have prescribed her any potentially addictive drugs.

THE DEFENSE The physician admitted that if he had known about his patient's detoxification, he would not have prescribed her any medication. However, the doctor in charge of overseeing the detoxification told the patient not to see the defendant again, and not to take any prescriptions from him.

VERDICT \$156,853 Illinois verdict.

COMMENT *There is good reason to be wary of prescribing strong opioids and benzodiazepines for chronic pain in primary care practice. With the sharp increase in overdose deaths from opioids and the marginal evidence, at best, that supports the use of opioids for chronic, nonmalignant pain, such patients should—in my opinion—be managed directly in a pain/addiction program, or in close collaboration with one.*

State Boards of Medicine are becoming appropriately stringent about opioids, so don't risk losing your medical license or being sued. Use narcotic-use contracts, random drug testing, and co-management, and check your state narcotic prescribing database regularly if you treat chronic pain patients. **JFP**

The cases in this column are selected by the editors of *The Journal of Family Practice* from Medical Malpractice: Verdicts, Settlements & Experts, with permission of the editor, Lewis Laska (www.verdictslaska.com). The information about the cases presented here is sometimes incomplete; pertinent details of a given situation may therefore be unavailable. Moreover, the cases may or may not have merit. Nevertheless, these cases represent the types of clinical situations that typically result in litigation.

Visit us online @ jfponline.com