

POSTER 67

Critical Review of Oncologic Medical Malpractice Claims Against Orthopedic Surgeons

Running Title: oncology litigation

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Conflict of Interest: Each author certifies that he or she has no commercial associations (eg, consultancies, stock ownership, equity interest, patent/licensing arrangements, etc) that might pose a conflict of interest in connection with the submitted article.

Financial Disclosure: Each author certifies that he or she has no financial disclosures that might pose a conflict of interest in connection with the submitted article.

General Disclosure: The views expressed in this publication / presentation are those of the author(s) and do not reflect the official policy or position of William Beaumont Army Medical Center, Department of the Army, Defense Health Agency, or the US Government.

Key Words: oncology, musculoskeletal, malpractice, litigation, orthopedic surgery

ABSTRACT

Introduction: The purpose of this study was to determine the most common allegations for malpractice litigation brought against orthopaedic surgeons for oncologic matters and the resulting verdicts.

Methods: Westlaw Legal research database was queried for malpractice cases filed against an orthopaedic surgeons for oncologic matters in the United States after 1980. Plaintiff demographics, state of filing, allegations, and outcomes of lawsuits were recorded and reported accordingly.

Results: A total of 36 cases met the inclusion and exclusion criteria and subsequently included in the final analysis. The overall rate of cases filed remained consistent through the last four decades and were primarily related to a primary sarcoma diagnosis in adult women. The primary reason for litigation was failure to diagnose a primary malignant sarcoma (42%) followed by failure to diagnose unrelated carcinoma (19%). The most common states of filing were primarily located in the Northeast (47%) where a plaintiff verdict was also more commonly encountered as compared to other regions. Damages awarded averaged \$1,672,500 with a range of \$134, 231 to \$6,250,000.

Discussion and Conclusion: Failure to diagnose primary malignant sarcoma and unrelated carcinoma were the most common reasons for oncologic litigation brought against orthopaedic surgeons. While the majority of cases ruled in favor of the defendant surgeon, it is important for orthopaedic surgeons to be aware of the potential errors that not only prevent litigation, but also improve patient care.

