

## Long after surgery, clips continue to migrate to bladder

**A 34-YEAR-OLD WOMAN** underwent a total vaginal hysterectomy with a laparoscopic Burch procedure. Following surgery, she developed a fever and tenderness in her lower left quadrant. Cystoscopy indicated multiple areas of petechial hemorrhages when her bladder was filled. A week after the surgery, she was discharged but continued treatment for ongoing pelvic pain. Two years later, exploratory surgery showed that two clips from the hysterectomy procedure had migrated into her bladder. These were removed. A third clip was removed a year later. Eight years after the original surgery, Prolene mesh and more clips were discovered embedded in her bladder. The following year, to correct the migrating clips and help with pain, she underwent a vaginal sling procedure, bilateral ureteral catheterization, and right inguinal hernia repair.

▶ **PATIENT'S CLAIM** The physician was negligent in placing the mesh and clips during the hysterectomy, and as a result additional procedures were required.

▶ **PHYSICIAN'S DEFENSE** There was no negligence. Also, erosion of a tack is a known complication of the surgery.

▶ **VERDICT** Massachusetts defense verdict.

## Defense reneges on settlement, so patient fights back

**FOLLOWING SURGERY** to excise a Bartholin's cyst from her labium, a patient developed first one hematoma and then a second, each of which was excised in turn. Then tissue became necrotic and was also excised.

▶ **PATIENT'S CLAIM** The procedures caused disfigurement and subsequent embarrassment. One labium was removed entirely, and nerve damage resulted in loss of sensation and painful intercourse. She also claimed lack of consent because she was advised of neither the risks of nor alternatives to surgery. Although married at the time of the procedures, she is now divorced.

▶ **PHYSICIAN'S DEFENSE** Many of the patient's problems resulted from her mental health issues.

▶ **VERDICT** Confidential Utah settlement. The patient had originally accepted the defense attorney's offer of an \$85,000 settlement. This was never paid, as the adjustor would allow only up to \$72,500. When the patient filed a motion to enforce the \$85,000 settlement, the matter was settled for an undisclosed amount.

## Removed ovaries weren't diseased, but defense wins at trial

**A 31-YEAR-OLD WOMAN** with persistent abdominal pain and heavy, painful periods underwent a hysterectomy as recommended by her ObGyn. Believing the ovaries were diseased, he removed them during the procedure—but a pathology report indicated no disease. He also branded the

patient's uterus with a "UK" symbol. Although this branding received attention from the national media, the trial dealt with removal of the ovaries.

▶ **PATIENT'S CLAIM** (1) She had told her ObGyn that she wanted to keep her ovaries, so she was unhappy they had been removed. (2) She experienced insomnia, depression, and decreased libido. (3) The surgery was not necessary; she should have been treated conservatively at first. (4) She did not give informed consent. (5) And the ObGyn performed 120 hysterectomies in the year of her surgery, eight times the national average of only 15.

▶ **PHYSICIAN'S DEFENSE** The frequency of the procedures he performed was based on his expertise in laparoscopic hysterectomy. Removal of the ovaries was necessary and within the patient's consent.

▶ **VERDICT** Kentucky defense verdict.

## MD claims cervix was removed, but it was there 3 years later

**A 48-YEAR-OLD WOMAN** underwent a total abdominal hysterectomy because of bleeding and cancer concerns. Three years later, she underwent further gynecologic surgery to remove her cervix.

▶ **PATIENT'S CLAIM** The defendant had not removed her cervix during the hysterectomy, as she learned 3 years after the procedure. She suffered abdominal pain and the fear of cancer, and she required additional surgery to remove the cervix.

▶ **PHYSICIAN'S DEFENSE** The cervix was removed during the hysterectomy, but if a small portion had been left, it was not negligent to leave it behind.

▶ **VERDICT** Illinois defense verdict. ☪

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