

# Medicolegal Cases

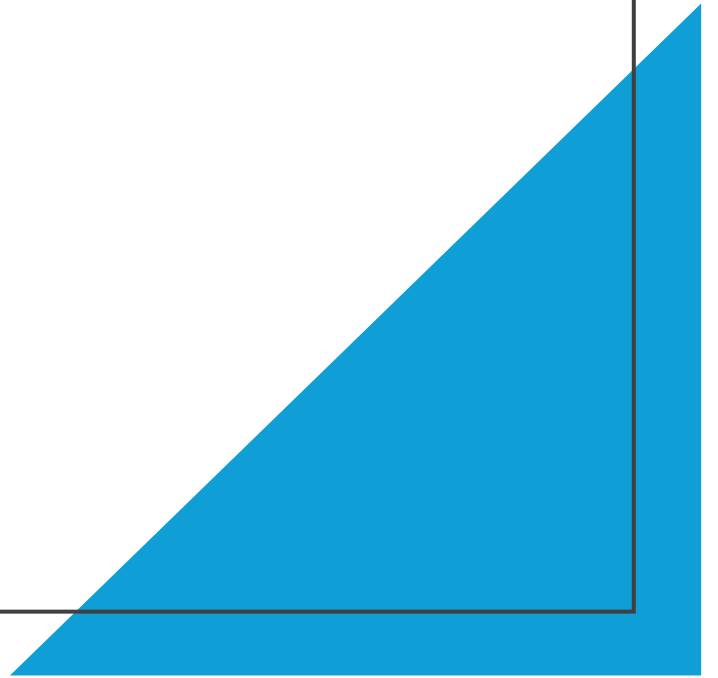
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# Outline

- Who am I and why am I here?
- Brief role of an expert witness
- Breach of duty
- Case 1 – potential mis-diagnosis
- Case 2 – potential missed diagnosis



# Disclaimer

Not current cases

Some changes in scenario

Patient consent for the use of images but they may not be the exact images from the case

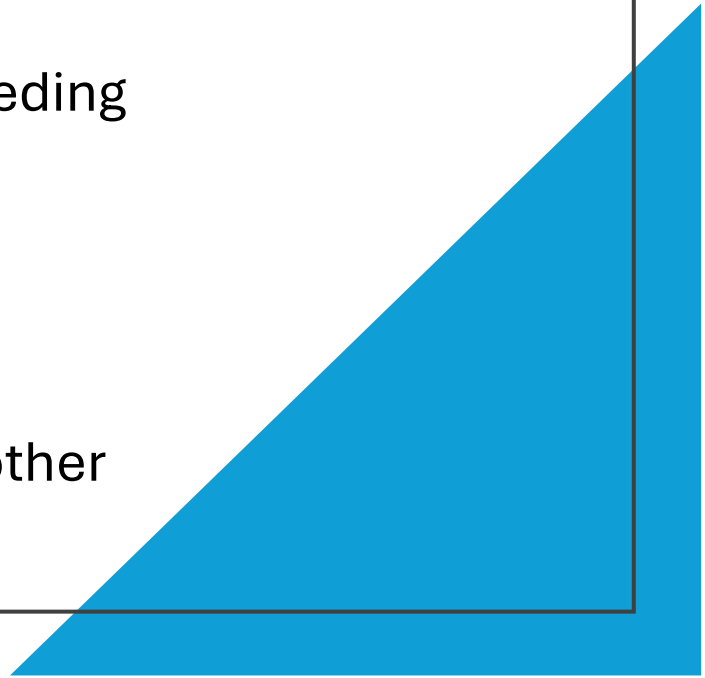
These are my opinions based on recent experience of being second opinion and expert witness

# What is an expert witness?

An expert in their field who, by virtue of education, training, certification, skills or experience is called upon to provide specialised knowledge, opinions or findings in a legal proceeding to help the judge understand complex issues.

Their role is to clarify the standard of care expected in their profession and to provide informed opinion on whether the actions of the defendant deviated from these standards.

They must never function as an advocate for one side or another



# What is a 'breach of duty'?

Failure to fulfil one's responsibility or obligation.

Failure to meet the expected standard of care in their field

In Imaging:

- Providing accurate and timely interpretation of imaging studies
- Following established protocols and guidelines
- Maintaining clear and effective communication
- Staying up to date with latest advancements in the field

Ultrasound practitioners are expected to use their professional judgement and technical skills to ensure the highest quality of care for patients undergoing diagnostic ultrasound scans.

# Bolam test



Legal standard used in negligence cases to determine whether a healthcare professional (HCP) has acted in a manner that a reasonable body of HCPs practicing in the same field would deem appropriate.

# Case 1

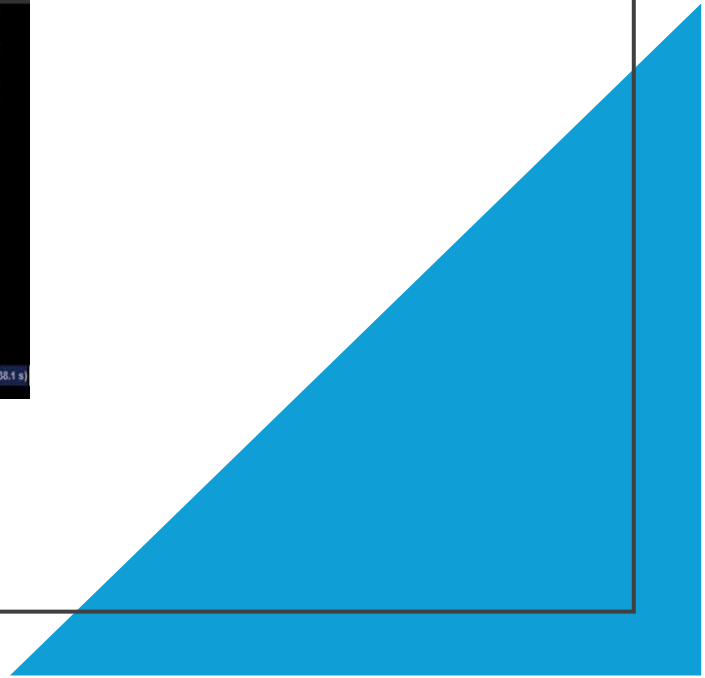
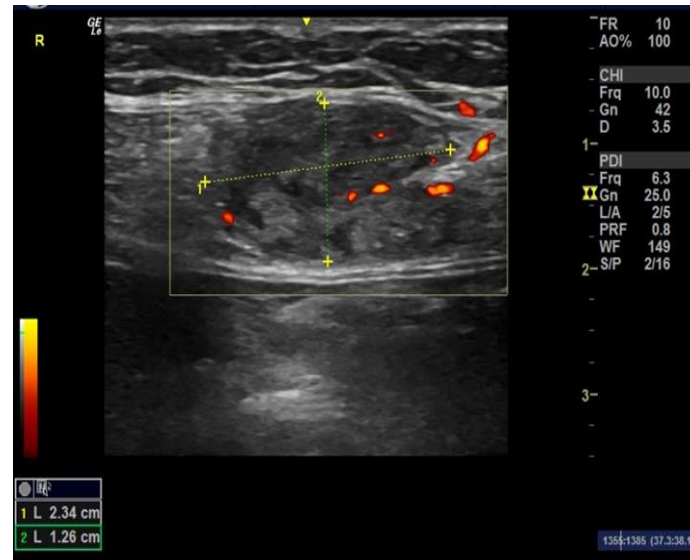
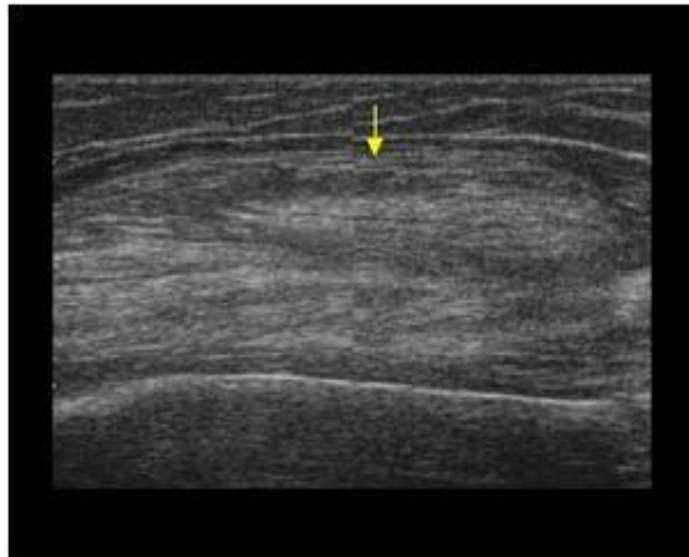
35yo female

Anterior abdominal swelling. Noticed 3 months ago. Non tender. Not obviously growing

## Report

‘Well defined, solid lesion within the muscle of the anterior abdominal wall. It measures 2cms in diameter. On ultrasound this appears to be a lipoma.’

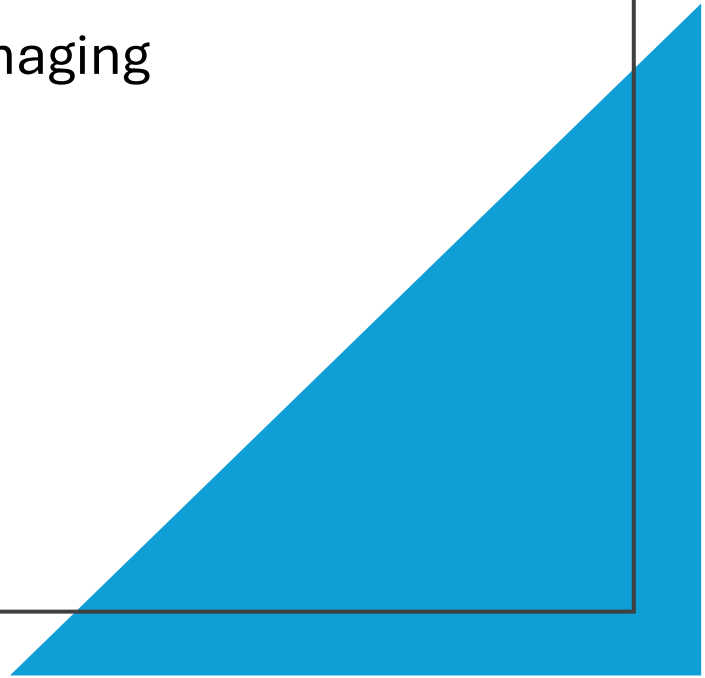
# Is it?





# Features of concern requiring action

- Internal vascularity not mentioned
- Not typical of a lipoma – indeterminate, requires further imaging
- Intramuscular - MRI



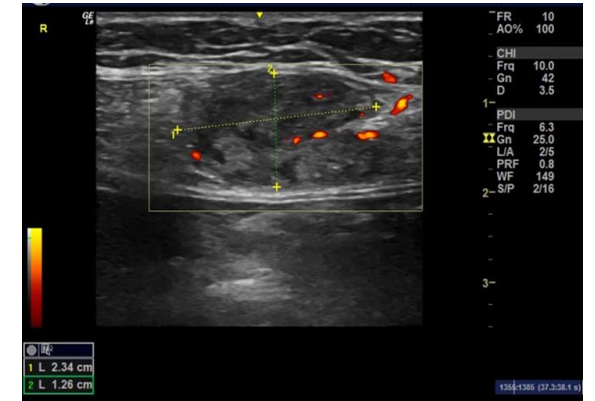
# Rescan 1 week later

## Report:

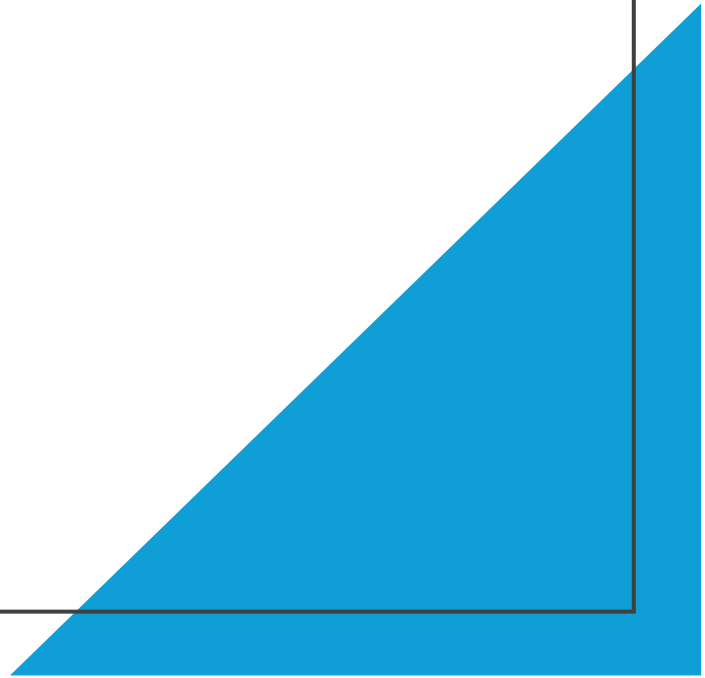
‘The swelling identified by the patient corresponds to an essentially solid lesion lying within the right rectus abdominis muscle measuring 2.3 x 1.3 x 3.2cm and showing mildly increased internal vascularity on Doppler. Although the lesion is apparently stable in size and non-painful, it is deep to the muscle fascia and is not typical for an intramuscular lipoma. National guidelines suggest further imaging to attempt characterisation of the lesion - the degree of urgency should be commensurate with the level of clinical concern. ‘

Referred to The Christie – diagnosis Desmoid tumour.

F/u with MRI every 3 months for 3 years



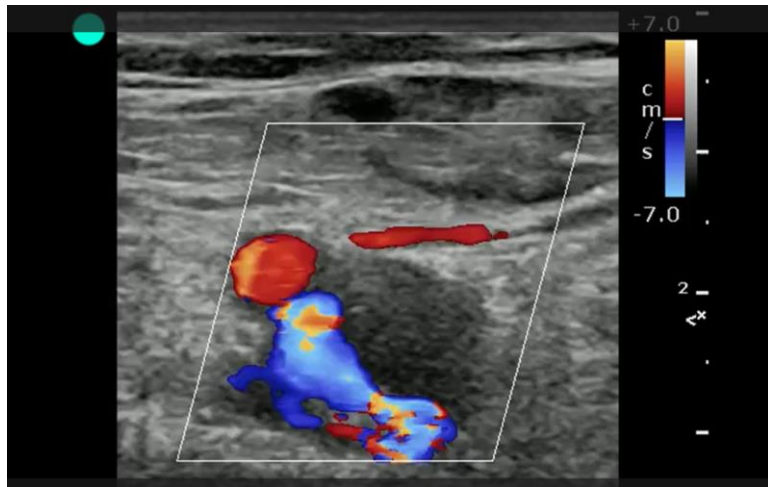
# Breach of duty?



# Case 2

42yo male

Left leg swelling 3 days. Raised D Dimer. ? DVT. Prev h/o lymphoma in remission



Report:

‘There is thrombus in the left femoral and popliteal veins.

Scan positive for a left DVT’

Reported by AB, Advanced Practitioner Sonographer

# Subsequent history

Patient treated for DVT in a nurse led team

Discharged to GP

6 months later, represented with advanced Lymphoma relapse

Patient died 3 weeks later.

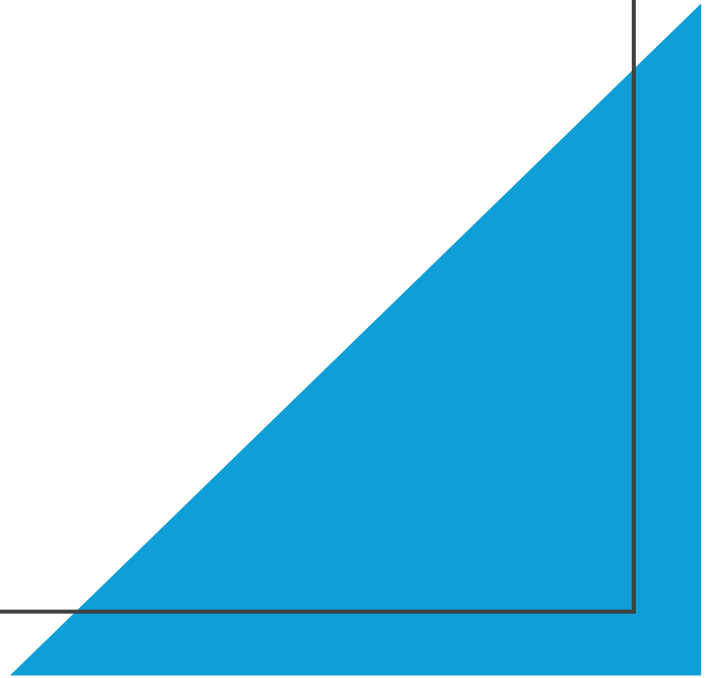
Case referred for ‘? Breach of duty’ around several HCPs

Initial expert Radiologist report suggested that nodes may have been missed in DVT scan.

Expert haematologist report

‘I am confident that if enlarged nodes had been present at the time of the DVT scan, that an Advanced Practitioner sonographer would have seen them and acted on their findings’

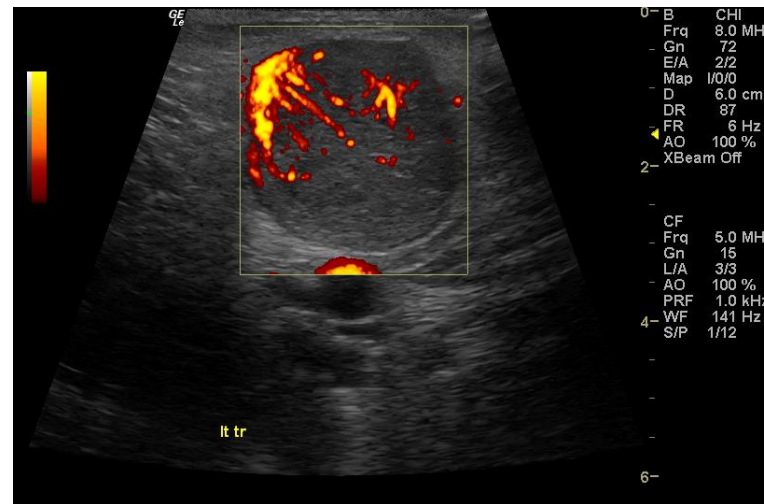
# Breach of duty?



# Expert witness ( sonographer) report

Imaging acceptable – could be better use of instrumentation, most images not fully annotated  
Brief report with lack of detail but correctly diagnosed DVT

But...last image in series





- <https://www.bondsolon.com/expert-witness/>
- [https://en.wikipedia.org/wiki/Bolam\\_v\\_Friern\\_Hospital\\_Management\\_Committee](https://en.wikipedia.org/wiki/Bolam_v_Friern_Hospital_Management_Committee)