

Health Care Quality and Outpatients' Reports of Adverse Events

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Back Up Information

1. Possible Compensable Injuries.

Patients' reports of adverse events have "a-priori" face validity since patients are in a better position than health professionals of knowing whether harm actually happened. To contend with the contrary possibility that patient-reported harms might represent mere complaints about poor service, we used independent legal review to estimate how many, if any, patient-reports crossed a threshold from being nuisance to potential compensable injury.

A lawyer with extensive experience in medical malpractice litigation reviewed almost patient-reported adverse events and selected those that might represent compensable injury: where the costs of the legal remedy could be greater than the costs of litigation. Typically, lawyers ask such clients to advance the cost of collecting the medical records and paying for a preliminary expert review. (When the cases are particularly strong, the requirement for prepayment is waived)."

We derived a conservative estimate of potentially compensable injuries by subjecting the adverse events identified by the first legal review to another review. Those cases agreed upon by two attorneys constitute our estimate of potentially compensable injuries. The following lists the verbatim reports of these possibly compensable adverse events.

'I was diagnosed with Crohn's disease 10 years ago but was not followed with colonoscopies. When I recently had a Crohn's relapse, my doctor finally gave me a colonoscopy and discovered a large invasive adenocarcinoma. Since Crohn's is a risk factor for colon cancer, I should have been followed with regular colonoscopies. It was only because I became sick (relapsed) that my cancer was discovered. I am now pursuing treatment options for colo/rectal cancer.'

"I had a bilateral laminotomy at L-5 for spinal stenosis and have been in worse shape since the surgery 5 months ago. I believe I did not have as comprehensive a work-up as I should have had and very rushed, arrogant and rather patronizing physicians (neurologist and neurosurgeon) were complacent about that which they interpreted as "classic" symptoms."

"In Jan. of 2003 I was put in the hospital, because a cavity showed up on a Chest CT. I ended up in the hospital for 6 weeks. I had 2 different lung infections, and one very serious Virus all in my lungs. I tried to get the doctors to believe that something was not right in my lung for over a year before my hospital stay. It took 6 months to see a Pulmonary doctor who did a Bronchoscope, and found that I had CMV in my lungs as well as very damaged lungs due to recurrent lung infections. During 2002 no one checked to make sure the CMV had not become active. Which it had. It led to me being in the hospital the next year with No Cardia, Pseudomonas Pneumonia, and CMV. I was house bound for the rest of the year. Now I have to learn how to do things differently. I am unable to walk for very long, or do things that cause a great deal of stress to my breathing. I used to be a somewhat active person, and now I'm house bound. I had to move away from my friends, because of the pollution. I was used to being sick, because I have an Immune Deficiency. But it didn't limit my mobility. After 2 1/2 years of severe lung problems I'm very tired, and weak. I was DX with COPD, and Bronchitis. I get tired just getting up and taking a shower. Going "out" means going to the doctor's office or as a real treat the store."

'Glaucoma runs in my family. I had been tested for 8 years and told that I did not have it. However, I moved to another state and went to the ophthalmologist and discovered I had glaucoma in my right eye. I have lost vision in a quarter of my eye.

'My dermatologist prescribed samples of prednisone but did not give me any information regarding side effects. As a result I have developed GERD. He never even returned my phonecall. I am scheduled for an upper GI endoscopy later this month.'

'I was failed to be told by several physicians that using antibiotics can and does greatly decrease the effects of using the pill which caused an unwanted pregnancy.'

In November 2003, I had Biopsy surgery. The lab only did the culturing test, not the histology test. I had to have surgery again in December.\r\nIn January 2004, I had Surgery to correct bladder problem. Didn't work. Had to have another surgery in February. Still not right. Will need another surgery soon.

'received a scratched cornea during ankle surgery.'

Strep infection during corneal transplant which resulted in loss of eye. Op room personnel wash hands.'

'I received poor treatment during my delivery with my youngest son. My pelvic was fractured and seperated due their poor treatment.

'Bladder quit during hysterectomy. 4 months later still have problems holding my urine, having energy and constant pain.'

'During a second angioplasty, the procedure precipitated a second heart attack that went untreated for about 16 hours'

1. poor treatment- not knowing full history when dispensing medication/treatment. Avoided by: Reading the CHART/Patient History\r\n\r\n2. misdiagnosis- missing signs of injury, subsequent visits for same issues finally bring

proper diagnosis. Avoided by: More closely examining an X-Ray\r\n\r\n3. misdiagnosis- not realizing full injury damage, results in partial paralysis. Avoided by: being better informed of injury's impact and possible consequences & doing better exam.

Currently, I have two disc protrusions in my cervical spine. It took over a year for the problem to be diagnosed. From my own research, I discovered many treatment options other than spinal fusion. Thus far, the only "help" I have received is pain medication and a visit to a "pain clinic" where I spent less than five minutes with the Dr. and he did not have any time or interest in helping me with my condition. I have been taking Vicodin daily for over a year for the pain. I only wanted to have the problem with my neck fixed so I could resume my active and healthy lifestyle. Instead, I am on dissability and addicted to Vicodin. I am tired of trying to fight with my health insurance and medical group for help. The doctors chose to "treat" this problem with a highly addictive medication, even though I constantly asked if there were other alternatives. Are they going to pay for me to go to re-hab? Are they going to help me get back over a year of my life (and counting!)that I have lost? I just want to get better and not be in constant pain. I want to feel like I am 28 again, not 82. '

'During back surgery on March 9th the surgeon tore my intestine requiring additional surgery.\r\n'

'should have been told by the surgeon who performed a biopsy, to have the growth removed because it could turn cancerous- I suspect your office got a copy of that report but I was never informed ot made to understand the importance of having it removed.'

'1) misdiagnosed cancer\r\n2) misdiagnosed lupus\r\n3) poor cancer follow-up resulting in undetected recurring cancer'

'An error was made in typing my blood when pregnant. This resulted in the omission of Rhogam after my first child and my second child was born with problems r/t Rh incompatibility.\r\

'Neurontin was prescribed for post herpetic neuralgia. When I asked about the side effects, I was told there were very few. I was NOT told that arthritis, arthralgia, tendonitis were possible side effects. I developed arthritis and extremely limited flexibility in my knees as a result of using the medication.'

'I recieved injections in my spine of a product (Depo Medrol). To try and relieve sciatic nerve pain. Depo Medro is not recommended for this type of procedure and many patients have been harmed from its use. I was told this injection was perfectly safe and that I had no need to worry. Now my back hurts where it did not hurt before and both legs are hurting unstead of just my right leg. I do not know where to turn for answers. If I had been informed of the dangers of the medication I would not have gotten the injections.'

'Physical therapy given for an arthritic condition and cartilage damage that caused further pain and discomfort.'

Trying to locate the cause of unusual hip and pelvic pain I'd had for a length of time, it was discovered that I had sever cervical displasia and carcenoma, although treatments were done for that, nothing was done for the pain, following the treatment my follow tests came back with the same abnormalities, the pain in my pelvis and groin is now so sever that I am at risk of loosing my job for failure to be able to perform it properly, and any follow up to the abnormalities has been set back for 6 months, which is causing me a great deal of mental stress. I have had family die of uterine cancer, however no investigation beyond just the surface of the cervix has been done. Between pain and the mental aspects of the situation, my quality of life has been severly diminished, and when I speak up about wanting more done sooner, I get put off and ignored.

'getting a brain tumor mixed up with drugs/alcohol, people thought my "personality" was changing.I should have been drug to a neurologist'

'I have Ankoloyising Spondilites and I was put on Humira and it caused major damage to my optic nerve where I lost all my peripheral vision.'

Misdiagnosis of pancreatic cancer led to delay in proper treatment. 2 doctors coming in to do pain consultation without reviewing chart thought they were there to do initial pain assessment, told pt (me) to stand and walk. I had not been out of bed post-op at this time. When told this they still told me to try--I refused. They also did not correctly review meds I was on, tried to reduce meds according to what they thought due to incorrect review not reality. I told primary doctor --surgeon and he straighten out. several years ago I had MD tell me that pain was emotional not physical. I told him he was condescending in his attitude. I agreed to let him perform cystoscopy after long discussion of his attitude. He apologized after when he saw with his own eyes there was reason for pain. I could go on and on unfortunately.

'The neurosurgeon did not listen to me and did not remove the bulging disk between L2 and L3. Over my objections they screwed two rods onto L4-L5 and did an interbody fusion on top of an existing fusion located at the facets. Despite my now being able to stand up straighter, I have been left with so much more pain in the lumbar spine as well as frequent bilateral sciatica which I did not have prior to that surgery. The low back pains are much more frequent and severe in nature, too.'

'I was put on the drug Prednisone and kept on it for over 8 years, which in turn has led to even more health problems. I was never informed of the damage that Prednisone could cause to me medically when used for such an extended period of time, and I've been told by other physicians that I should have never been on Prednisone the length of time I was on it. From the extended use I now have adrenal problems, thinning and pre-mature aging of the skin, cataracts hormonal imbalances, and peri-osteoporosis. This could have been avoided if I had been informed of these side effects, as they are known side effects from extended usage. Had I known the long term effects, and the Prednisone should only be used for extended periods for serious life threatening disease (which I didn't have), I would have never taken it, and thus would have avoided the health problems I'm experiencing now. I believe physicians have a fiduciary duty to inform their patients before prescribing drugs that can cause that patient additional and worse problems than they had to begin with, or what is known as "informed consent", which I do not believe I properly had. All I was told was that it could lead to osteoporosis and I needed extra calcium. I have been going through additional treatments now for the physical problems that have been caused due to the prednisone therapy.'

Poor IM injection technique in ED that led to permanent sciatic nerve damage, months of PT and rehab. '

'At a checkup 2 years ago, blood was found in my urine. I was sent for test for kidney stones and for cancer with negative results. I was also being treated for high blood pressure and later on, anemia. At my last blood test, my kidney indicators were off and I was referred to a nephrologist in July 2003. I was diagnosed with end stage renal disease and had to go on dialysis. If I had been referred to a nephrologist when the blood was discovered in my urine and could not be explained, I would probably not be on dialysis.'

'Lack of thorough screening for progression in prostate Ca led to a surgery that left me permanently impotent and incontinent'

'I believe that my doctor(s) TOTALLY MISSED diagnosing my heart attack(s) and coronary artery blockage. It was only when I presented with severe edema and SOB that I was admitted to hospital and diagnosed with a "previous" heart attack and current heart failure.'

'The only thing is that I have developed nodules on my vocal cords, possibly related to new meds related to allergies, but also probably related to reflux and constant coughing due to undiagnosed aspiration pneumonia for 2 months.'

'I had rectal bleeding for many months, I went to physician to check. He put his finger up my but and said "Yes, you have hemorrhides, go home and take Prep H." That was in June. In February I start rectal hemorrhaging and physician found I had rectal cancer. \r\nIf my physician, I first visited 6 months before, had did further tests, my treatment would have been less horrendous.'

'Needed surgery on one ankle and they did the opposite ankle in error. Afterwards, the doctor did the correct ankle. Very uncomfortable, awkward, unnecessary pain.\r\n\r\n'

'After having an MRI in March, the ortho doctor prescribed medication, therapy, and two epidural injections. He then proceeded to tell me my pain was caused by depression. A subsequent MRI revealed a synovial cyst in my spine that was encroaching on the nerve root. I spent five months in excruciating pain due to misdiagnosis and inappropriate treatment'

'1) Failure to apply requested PSA test - Missing positive cancer diagnosis\r\n2) failure to follow up on CAT Scan anomalies - resulting terminal Cancer \r\n3) insufficient study of Medical history- given drugs proven ineffective or harmful (several drugs, several different occasions)\r\n4) premature release from Hospital stay, resulting in physical harm and re admission within two days.\r\n5) changing an authorized medical procedure without patient consent resulting in taking surgical samples of wrong organ.'

'Misdiagnosis of herniated disk kept me in pain (right arm and hand, shoulder and upper back). Orthopedic surgeon thought it was in the elbow, EMG did not show it was my spine despite prior spinal fusions. A year later with continuing pain, a new EMG and Dr. showed it was indeed my spine. Also, slow diagnosis by neurosurgeon which included using PT, which aggravated it, getting pain management dr. to do spinal nerve block, with the second block CAUSING nerve damage which continues. I think the neurosurgeon, who had done prior spinal fusions, should have gone immediately to a myelogram to find and correct the problem. '

'After having a mass removed from my stomach, areas opened on my stomach. These areas then got infected. I packed these areas for several months. I then got hernias in those areas. I still have to have another surgery to fix the last hernia.'

'Improper orthopedic surgery leading to additional surgeries - acquisition of hospital acquired infection during f/u surgeries that lead to near amputation, liver failure, renal failure, anemia and permanent crippling.'

'A chiropractic adjustment caused a protruding disk which affected a syatic nerve.

' when they did my by pass they paralyzed my diaphragm.\r\na docotor cut my pancreas'

I was misdiagnosed with having pericarditis and treated aggressively with high doses of steroids, Celcept, indocin, and other toxic substances. When these drugs didn't work, The doses were raised until I had strange side effects. I had to take drugs just to combat the side effects. I finally went for a second opinion, NO PERICARDITIS. Then I was misdiagnosed with neuralgias and given different medications that did nothing, which further mystified the doctors. Although I had seen an oncologist that said there was nothing anywhere... Finally the problem was found to be 2 tumors(or possibly cysts)on the nerve roots of C7%2fT1 and T1%2fT2 in my spinal cord.

'My kidney was punctured while the doctor was removing a kidney stone through noninvasive surgery. A gram - , rod infection contaminated my blood leaving me with 104 degree F temperature, a severe migraine and unable to move my neck. I was in and out of the emergency room 3 times in a week. I was spinal tapped, had chest x-rays, pelvic exams, urine%2fblood cultures, ultrasounds, cat scans, etc...\r\nI had pain in my back close to where my kidney would be, but it was never thought to be an issue. Too many testes were performed and I believe that due to the location of the pain it should have been more easily identified with the surgery that occurred 2 months prior to this event.'

'Poor advice - such as getting off of the Birth Control Pill. This caused my hormones to get all out of wack and now I am covered in cysts on my face, back, neck and chest.'

'I was given a blood infection from an injection recieved during an MRI this past October. I had to go to the emergancy room twice, and once to recieve IV antibiotics. This could have been prevented had the nurse giving the injection had made sure of the injection site. I am unaware of what was really done b/c I was strapped to the MRI table.'

i was seeing a different physician and he could not even tell my lungs were filling up and told me on was fine on a friday

by sunday i was coughing up blood and my monday i had full blown pnomina and my back problems started when i was seeing him he told me it was just strained muscles and now i find out i have a tumor on my spinal cord ligaments that is large if he had done an mri he would have found it much sooner and i would not be in this shape'

'I was given the wrong dose of my blood pressure medication. Dr. was in a hurry. Also, I had the wrong kidney taken out.'

'I had a biopsy of both breasts and they put all samples in the same dish from both breasts. On top of that my left breast where they took the sample from bruised very badly, the top layer of me skin peeled away, and now I have an ugly skar there.

'My former doctor misdiagnosed me and my appendix ruptured and I almost died. I feel that he should have pursued my complaints a step further.'

'Mis-diagnosis of arterial injury as shin bruise by emergency room physician'

I believe I should have been referred to a orthopedic surgeon at least 2 years ago when the pain on my thigh persisted and x-rays did not show anything. Today, because of 2 mri's taken by orthopedic surgeon I know I have 2 herniated discs and I'm beginning to deal with the pain better.

'Wnet in for a tubal ligation and ended up with a perforated small bowel. Needed another surgery and triple antibiotics - hospitalized for an extra week.'

2. Stability of “Predictors” for Adverse Events Over Time.

The next four graphs show (unadjusted) the impact of the original quality variables on the rate of adverse events (for over 40,000 patients) versus more recent data from 7000 patients. The quality findings appear consistent over time in different populations.

