



**Medicine,
the Law
& You**

**DR SYLVESTER
ONZIVUA**
sonzivua@gmail.com

APPENDICITIS OPERATION.

A patient checked into hospital in need of a seemingly simple operation, however she never work up. Her relatives sued the hospital. The court was to determine if the health workers were negligent.

On September 12, 2015, a 51-year-old businesswoman who was the sole bread winner of her family took her last breath following a botched operation to remove her appendix in a missionary hospital. She was survived by six biological children and two dependants.

The deceased was admitted in the hospital on September 8, 2015 when she complained of abdominal pains and came to seek for medical attention in the hospital. She was examined by a doctor and a diagnosis of appendicitis was made.

Appendicitis is a condition in which part of the intestines known as the vermiform appendix is inflamed and this condition often requires emergency surgery to remove the appendix, an operation known as appendisectomy. The patient was operated on the two days after being admitted in the hospital, which was on September 10.

Surgery gone wrong



The patient was duly reviewed by the doctor and the anesthetist before the surgery and was declared fit for the operation. However at the beginning of the operation, the anesthetist had difficulty in inserting the tube for administering oxygen and the anesthetic drug in the trachea of the patient.

Tube misplacement

It was apparent that the anesthetist inserted the tube in the patient's oesophagus instead of her trachea. The surgeon who performed the operation told court that the machines for monitoring the patient in the theatre were not switched on at the start of the operation and this, to him, was due to an oversight. However when

the machine to monitor oxygen levels in the body was turned on, the levels of oxygen in the patient's body was found to be too low. This, to the doctor, was also confirmed when he made an incision on the body of the patient and the blood of the patient was dark in colour indicating that the oxygen levels were very low in the tissues. At this point, the surgeon told court that he asked the anesthetist if there was adequate oxygen getting into the patient's lung. To the dismay of the operating team, it was discovered that the patient's heart had actually stopped beating. The team attempted to resuscitate the patient but only succeeded in reviving the heart beat. When the surgeon examined the patient's eyes

he found that pupils of the eyes were dilated, indicating that the patient had suffered severe brain damage due to lack of oxygen to the brain. It is more than likely that the deceased suffered permanent brain damage during the surgery and was in a vegetative state.

Surgeon cross examination

The surgeon, however, continued with the operation even when the patient was in this critical state. The patient was thereafter transferred to the recovery room and then to the private ward. The doctor who operated on the patient admitted in court under cross-examination that when a person is deprived of oxygen for more than five minutes, the per-

son may die. Information available indicated that the patient never regained consciousness after the operation. What exactly happened in theatre was not indicated in the clinical notes of the patient. The nurses who looked after the patient after the operation told the patient's attendant that there was a problem but they did not elaborate further. The patient was on drip and oxygen for three days and then died. A post-mortem examination was, however, not carried out to establish the cause of death.

What killed the patient?

The hospital conducted an audit of the death, also known as a death review. The main purpose of the audit was to identify the gaps that existed in service delivery that led to this particular death with the aim of preventing such deaths. The main findings of the audit were that there were challenges with intubation of the patient at the beginning of the operation and that the monitors were not turned on at the beginning of the operation. The audit reported was accepted in court and was a crucial piece of evidence in the case.

The children and two dependants of the deceased sued the Registered Board of Trustee of the hospital which in reality was the religious body responsible for the administration of the hospital. The main issue for court was to determine whether the health workers in this particular case were negligent in conducting the medical operation that led to the death of the deceased.

The children and dependants asked court to award them an estimated one billion shillings. These costs included estimated loss of earning based on life expectancy of the deceased, loss of dependency, the funeral costs and costs of the suit.

to be continued...

WE VALUE YOUR FEEDBACK

Tell us what you think about this story!
Write to features@ug.nationmedia.com
or Whatsapp +256 776 769334