

Case for consent

Description: A patient undergoing routine front back surgery for severe spinal stenosis wakes up paralyzed.

Clinical Sequence

A male patient presented to his PCP complaining of neck pain after exercising that lasted two weeks. The physician started conservative treatment with non-steroidals, and told the patient to return if the symptoms persisted.

He returned a month later with additional symptoms of numbness and tingling in his left hand. A cervical spine MRI scan showed severe spinal stenosis, possibly from ossification of the posterior longitudinal ligament. Further testing and evaluation in the Emergency Room confirmed the findings. At an out-patient consult with a spine surgeon a week later, the patient agreed to consecutive posterior and anterior surgeries to relieve pressure on the spine. The patient signed a consent form that afternoon with a physician's assistant.

During the posterior portion of the surgery, neuromonitoring measures changed, indicating possible spinal cord dysfunction. This was not resolved, but the surgery continued and the anterior part of the surgery was completed without improved neuromonitoring measures. The operative note makes no mention of any complication.

Post-surgery, the patient was found to have no movement in his upper or lower extremities. A stat MRI indicated possible dorsal subdural hematoma and anterior herniation of the spinal cord. Surgery the next morning revealed that the spinal cord was indeed pushed forward, but no hematoma as the cause. Damage to the dura and fluid near the site of the original surgery was patched.

After the surgeries, efforts by the family to talk with the surgeon faced a delay of several days while he was away. With rehabilitation, the patient recovered partial function in his extremities, and can walk with a cane. He has almost no strength on his left side.

Allegation

The patient and his family sued the surgeon, alleging failure to identify the spinal cord injury during the initial surgery and failure to meet the standard of care.

Disposition

The case was settled in the high range.