



The analysis of malpractice litigation cases reviewed by the private expert institute

Zahumensky J, Psenkova P, Moravansky N

University hospital Bratislava, Medical faculty of Comenius University, Bratislava, Slovakia

Objective

Authors analyse all cases of expert evidence in the field of obstetrics that were dealt by their expert institute between 2010 and 2018. They evaluate the most common malpractices and their causes and consequences.

Methods

Retrospective analysis of expert opinions in malpractice litigation in fetomaternal medicine.

Results

During the observed period the expert institute dealt 71 cases that required the participation of an expert from the field of obstetrics and gynecology. Out of these cases, 12 were registered without a reference to the provided healthcare, 18 were from the field of gynecology and 41 were classified as fetomaternal medicine cases. The authors assessed 8 cases of maternal deaths, 20 cases of perinatal deaths, 11 cases of hypoxic ischemic encephalopathy and three cases that were not classified. 72% of cases were criminal and 28% of cases were civilian proceedings. In 46% of cases, the practice was evaluated as non lege artis. The most serious malpractice were the incorrect administration of medication for induction of labor, underestimation of blood loss and the application of Kristeller's expression in VBAC. There have been frequent shortcomings in documentation management and missing or insufficient informed contents.

Conclusion

In Slovakia, the criminal law practice of malpractice prevails the civilian one. There are no explicit guidelines from professional societies. This leads sometimes to serious misconduct and non lege artis procedures.