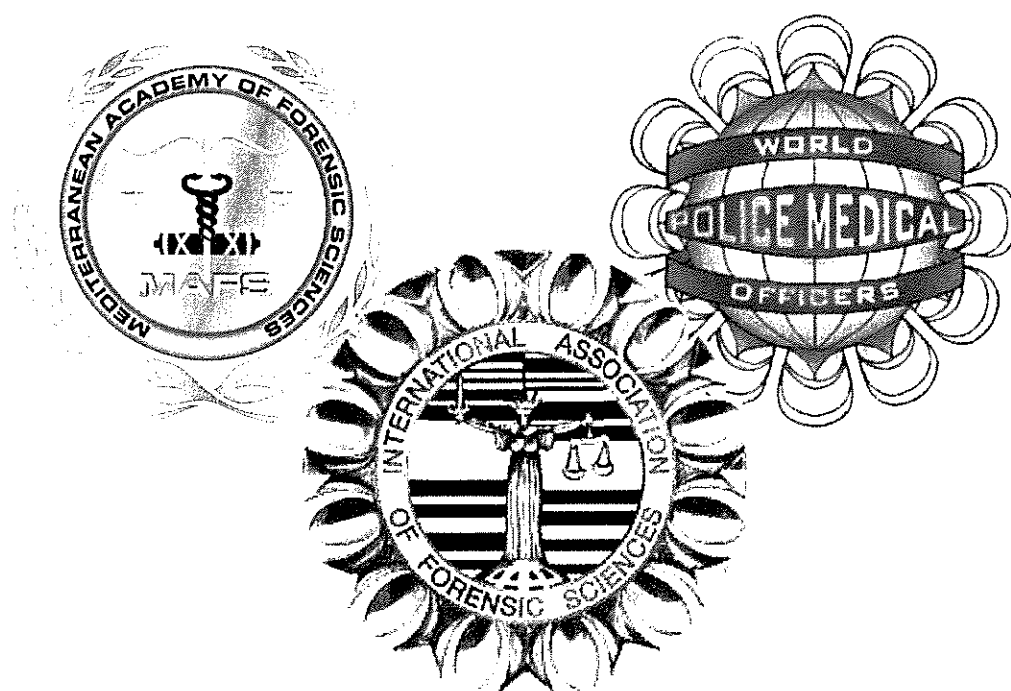


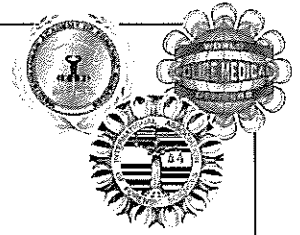
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THE ROLE OF INFORMED CONSENT IN LAWSUITS AGAINST MEDICAL DOCTORS: ANALYSIS OF FIRST STAGES PROCEEDING VERDICTS OF THE CIVIL COURT OF ROME.

Author(s): Marsella LT¹; Eramo A¹; Marino V¹

Institution(s):¹FACULTY OF MEDICINE AND SURGERY, DEPARTMENT LEGAL MEDICINE, UNIVERSITY OF ROME

Introduction: In principle, informed consent is the building block of every sanitary intervention: in its absence medical actions would result in abuses even if carried out in the interest of patients. Profiles of medical professional responsibility for failure or incomplete information are various and, over the last decade, it became one of the most frequent causes of lawsuits against medical doctors. In this study, we evaluated the first stage of proceeding verdicts, from 2001 to 2009, issued in by the Civil Court of Rome concerning medical professional liability cases where the only violation was the duty of information omission.

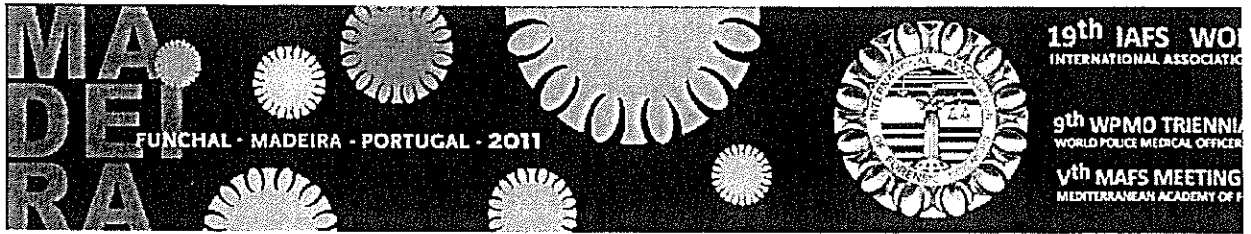
Materials and Methods: In the analysis of the documentation provided by the Observatory on Medical Liability (O.R.Me), we considered several different parameters: kind of damage covered by compensation, specialist areas and worker categories most involved in litigation, timing of proceedings, informed consent with special attention to principle of law and economic compensation.

Results: Among 2700 complaints, 21 matched our inclusion criteria (i.e. where the duty of information was the only violation). Within this group, defective informed consent was reported in 47,6% of cases, whereas in 52,4 % the informed consent was completely omitted. In 33,3 % of cases only medical doctors were sued, more frequently the first/single operator; in 19,05 % only the hospital/private structure was involved and in 47,6 % both of them. The categories most susceptible to claims resulted plastic and cosmetic surgeries (7 cases) followed by oncological and radiotherapeutic interventions (4 cases). Importantly, on average, the time required for the first degree of civil proceedings was 5 years and, in addition to procedural expenses, 1.402.037,82 Euros were spent for patient compensations.

Conclusions: The results of this Italian research are important because they show the central role of informed consent in the lawsuit against medical doctors. It is necessary an extended analysis of the whole national and international scenario, in order to improve our ability in the comprehension of this problem, and, more importantly, in developing effective strategies for prevention.

Final Comments: In synthesis, lack of informed consent is a separate and distinct legal reason for a lawsuit. A patient can sue for lack of informed consent even when there has been no malpractice but there has been an unwanted result. Thus, medical doctors are in the di

Keywords: Informed Consent; Malpractice; Medical Professional Liability



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