

## **The Role of a Plastic Surgery Expert in Medical Malpractice Cases**

**When it comes to medicine, patients trust their physician to improve their health and enhance their appearance.**

**Unfortunately, things can go wrong in some unfortunate cases, thus leading to possible medical malpractice.**

**It is important to recognize that a complication in-and-of-itself is not medical malpractice.**

**Even under the best of practices and circumstances, complications can become apparent. Often times, a plastic surgery expert can provide input as to assessing the Standard of Care and identifying possible negligence or errors.**

### **What Are The Most Common Types of Medical Errors in Plastic Surgery?**

**Medical malpractice can be defined as professional negligence by healthcare providers that results in an adverse outcome. In the field of plastic surgery, despite the best care, an adverse outcome can become apparent. However, a qualified plastic surgery expert can identify whether the adverse outcome deviates from the accepted Standard of Care.**

**Listed below are outcomes which may require an expert to determine the Standard of Care:**

- 1. Surgical errors. These errors may include (a) operating on the wrong body part; (b) making an improper incision; (c) damage to adjacent structures or vessels (in-and-of-itself may not be medical negligence, but a recognized complication); (d) failure to address complications on a timely basis.**
- 2. Anesthesia Management. Surgery often involves anesthesia to insure patient comfort and safety during the course of the procedure. However, anesthesia errors may include (a) administering an incorrect dose of anesthesia; (b) failure to properly monitor the patient's vital signs during the procedure; (c) delayed recognition or response to anesthesia-related complications or emergencies; (d) unexpected allergic reaction or adverse affect to anesthesia medication.**
- 3. Inadequate Informed Consent. Informed Consent is crucial to any medical procedure, including but not limited to plastic surgery. Inadequate Informed Consent may occur when the surgeon fails to provide the patient with the necessary information in regard to risks, benefits, and alternatives of the procedure. This can possibly result in patients undergoing procedures without understanding the risk/benefit ratio.**



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4. **Improper Post-Operative Care.** Proper post-operative care is essential to Successful recovery and to manage post-operative complications. Negligent post-operative care may involve (a) failure to monitor the patient's condition and address concerns on a timely basis; (b) inadequate instructions and/or followup care provided to the patient.
5. **Improper Training & Lack of Qualifications.** The practice of plastic surgery requires specialized training, skills, and expertise. Cases of medical negligence can occur when the surgeon lacks the necessary qualifications or performs procedures beyond their expertise level.
6. **Failure To Manage Patient Expectations.** Plastic surgery may be cosmetic, reconstructive, or a combination of both. It is crucial for the plastic surgeon to manage patient expectations in an appropriate fashion. The surgeon should not make false promises or misrepresentations of potential outcomes. This can lead the patient to dissatisfaction and possible basis for a medical complaint.

### What are the Specific Contributions of a Plastic Surgery Expert to the Evaluation of Possible Cases

Appropriately qualified individuals have the expertise and knowledge to assess the Standard of Care. An ethical expert can help determine whether a complication is the result of negligence or the sequela of an involved intervention. It is difficult for a lawyer to determine this without the input of a qualified colleague.

1. Plastic surgery expert witness can assess te Standard of Care provided by plastic surgeons in question. They can compare the actions and decisions of the surgeon to the accepted practices within the field. This evaluation will facilitate the determination whether the surgeon adhered to recognized guidelines, protocols, and professional norms.
2. A plastic surgery expert can use their specialized knowledge and expertise to identify deviations from the Standard of Care. Ethical guidelines recommend a meticulous review of the medical records, surgical reports, and other relevant documents to determine indications of possible negligence. It may be necessary to obtain multiple assessments to determine whether the surgeon's actions or admissions contributed to the patient's alleged harm or injury. Again, not all complications are related to medical negligence. An ethical expert will assist the lawyer in determining the Standard of Care.



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- 3. Professional opinions and testimony. An expert plastic surgeon can provide insight into the analysis and evaluation of the case. Therefore, a determination can be made into the plastic surgeon's actions, decisions, and the overall quality of care provided. It is important to note that there are multiple alternative methods of management for both plastic surgery procedures, as well as known complications. The role of the plastic surgery expert is to assist in the understanding of complex medical concepts and to provide input on the alternative methods of management, along with the attendant risk/benefit ratio.**
  
- 4. Explanation of Complex Medical Concepts. Plastic surgical procedures can involve intricate techniques and specialized terminology that may be difficult for non-medical professionals to grasp. Expert plastic surgeons can excel at simplifying and explaining these concepts in a way that is accessible to potential patients, legal professionals, judges, and juries. The ability for the plastic surgeon to effectively communicate the nuances of a case helps to avoid unnecessary litigation and, ultimately, improve impact on case outcomes. The involvement of a plastic surgery expert can significantly impact the outcome of both plaintiff or defense negligence cases. Ethical guidelines indicate that the evaluation should be objective, indicating alternative methods of management, professional opinions, and testimony which provides credible, ethical, and persuasive evidence.**

**In Summary, based upon ethical analysis and evaluation, appropriately qualified plastic surgery experts can formulate professional opinions regarding the actions and decisions of colleagues. These opinions, whether it be for the plaintiff or the defendant, are crucial in determining whether negligence or errors occurred during the course of treatment.**

**It is important that a highly qualified professional provide objective evaluation analysis. Additional opinions may be necessary. This will provide guidance navigating legal proceedings and minimize frivolous lawsuits.**

**An expert witness can serve as a powerful advocate for justice in patient safety, as well as providing a vigorous defense for non-meritorious claims. With their invaluable expertise, plastic surgery professional play a vital role in assuring that patients receive the vital care they deserve and that frivolous non-meritorious claims be defended vigorously.**

**Written by: Thomas Zaydon, MD 8-9-23**