

LEGAL EAGLE EYE NEWSLETTER

June 2014

For the Nursing Profession

Volume 22 Number 6

Breast Cancer Diagnosis, Treatment Delayed: Nurse Practitioners Implicated In Lawsuit.

The clinic provides primary care for active duty personnel and their dependents on a US military base.

The clinic relies heavily on nurse practitioners and physicians assistants to act as the primary care managers for its patients.

The patient, an officer's wife, was seen by a nurse practitioner for two one cm palpable lumps in each breast the patient discovered through self-examination. The nurse practitioner ordered a bilateral diagnostic mammogram.

The radiologist who reviewed the mammogram rated the lump in the right breast as BI-RADS 4A, low suspicion of malignancy which nevertheless warranted a biopsy.

The chief of mammography dictated a letter to the patient, but the letter apparently was never mailed and ended up not in the patient's medical chart but in her file in the mammography department. The nurse practitioner apparently never followed up to look for the report.

Not having heard anything for months, the patient went back to the clinic and was seen by another nurse practitioner, who ordered bilateral diagnostic mammogram and ultrasound, but for some reason that order was changed to only an ultrasound and only the left breast, which was read as benign.



Failures were widespread in timely diagnosing and treating the patient's breast cancer.

Had the medical providers not squandered opportunities, early diagnosis at Stage I would have occurred, breast conservation probably would have been accomplished and unnecessary surgery would not have been done.

UNITED STATES DISTRICT COURT
TENNESSEE
April 23, 2014

Neither nurse practitioner ever tried to locate the radiologist's report from the earlier mammogram, which by itself and with the further passage of time would have urgently pointed to a need for more diagnostic testing.

Months later the patient came back to the clinic again. A mammogram this time was followed with a biopsy which revealed infiltrating ductal carcinoma.

The now five-seven cm right-breast mass required weeks of chemotherapy after which the surgeons elected to perform a bilateral mastectomy with removal of lymph nodes, followed by breast reconstruction.

Court Finds Negligence

The US District Court for the Middle District of Tennessee awarded a substantial judgment to the patient and her husband.

The Court's finding of negligence pointed squarely to failures of communication among the patient's providers and between the providers and their patient.

A medical condition with a relatively favorable prognosis at the onset advanced to an unnecessarily dismal outcome involving unnecessary suffering along the way and a probable fatal recurrence in the not too distant future. ***Carter v. US***, 2014 WL 1630824 (M.D. Tenn., April 23, 2014).

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