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# MRI / Claustrophobic Reaction: Court Upholds Patient's Right To Sue, But Rules It Is A Professional Malpractice Case.

According to the Court of Appeals of Texas, the patient suffered from claustrophobia and only consented to undergo an MRI procedure because his caregivers reassured him that he would be fully sedated and would be promptly retrieved from the MRI machine in the unlikely event he experienced any anxiety.

After being given three doses of a sedative, and over his protests that he felt neither relaxed nor tranquil, the patient was placed in the MRI machine. That, according to the court, proved to be a struggle due to the patient's large body frame.

The patient claimed his caregivers more or less shoved him into the machine as if he were a load of laundry, over his protests and against his insistence they either free him from the machine or administer still more sedation.

A towel was placed over his face and he was left in the machine for more that forty-five minutes leading to pain and numbness in many parts of his body.

Nevertheless, after describing in detail how badly the patient was mistreated, the court dismissed his lawsuit.

His lawyers had styled the court papers in the case as a consumer-protection lawsuit based on alleged unfair trade practices involving the reassurances that were given to the patient, as opposed to what actually transpired.

However, the court reasoned that the case was fundamentally a healthcare malpractice lawsuit. As such, it would be necessary for the patient to come forward with expert testimony defining the standard of care for assessing a patient's susceptibility to a claustrophobic anxiety reaction, for minimizing the probability of such a reaction, for monitoring the patient during the procedure and for deciding to go ahead or to abort the procedure in progress, all in light of how important to the procedure happened to be to the patient's diagnosis and treatment. **De La Vergne v. Methodist Healthcare System, 2005 WL 3340250 (Tex. App., December 7, 2005).**