

Pathology: Nurse Faulted, Did Not Send Specimen To The Lab.

The patient went to her family physician's office to have a mole removed from her foot after the mole, several years old, began to grow and itch and turned red.

The physician told the patient he did not think the mole was cancerous, but he was going to send it to the pathology lab anyway.

Then the physician handed off the specimen to the office nurse.

The nurse apparently never prepared or sent the specimen to the lab.

The patient went to a different doctor to have her stitches removed. Then she transferred her primary care to still another medical group.

The lesion recurred. It was diagnosed as malignant melanoma and surgically removed a second time.

The first office nurse's error was discovered afterward when the medical charts from the different physicians' offices were sorted out.

The jury in the Circuit Court, Delaware County, Indiana awarded a verdict of \$3,250,000.

Reportedly the patient recovered uneventfully from the surgery to excise the melanoma and has no residual disability. The jury believed, however, that she is at increased risk for recurrence of cancer.

The nurse was faulted by the expert witnesses at trial, first and foremost, for not sending the specimen to the lab.

The family practice physician, the experts said, erred by not having the patient come in to his office as routine practice to review the pathology results and make any necessary recommendations.

The physician or nurse should at least have logged the file for follow-up review. In this case that would have prompted them that the pathology specimen was not sent in, the experts said. **Mieth v. Yorktown Health & Diagnostic, 2008 WL 5666509 (Cir. Ct. Delaware Co., Indiana, June 25, 2008).**