

Negligent Urinary Catheterization: Court Says Prostate Surgery Patient's Case Can Go Ahead.

The patient had prostate surgery, a radical retropubic prostatectomy for prostate cancer at a US Veterans Administration hospital.

During the procedure the surgeon inserted a Foley catheter. The patient was to be discharged three days after surgery with the Foley catheter intact.

Instead, according to the US District Court for the Western District of Louisiana, the hospital's nursing staff erroneously removed the Foley catheter and replaced it with a condom catheter.

Recognizing the mistake, the Foley catheter was soon reinserted by the outpatient urology clinic.

The patient sued the US government over the mistake made by the nurses at the VA. His suit claimed the urinary blockage, impairment of urinary flow and urinary urgency he experi-

Even in cases of obvious negligence, the medical consequences cannot be evaluated on the basis of lay persons' common knowledge without guidance from expert medical opinions.

Expert testimony is needed if the patient is to prove his anastomotic stricture is the cause of bladder spasms, flow control and urinary urgency.

UNITED STATES DISTRICT COURT
LOUISIANA
June 12, 2006

enced after his surgery were caused by the nurse's negligence in removing the Foley catheter prematurely.

The court made reference to the general rule that a patient suing his caregivers for malpractice must have expert testimony to back up his claim, except in cases of obvious negligence.

Even in a case where the caregivers' negligence is obvious, the patient must still have expert testimony to establish a link between the caregivers' negligence and the harm suffered.

As the patient had not designated an outside expert his case would be limited to his treating physicians' opinions on the issue of cause and effect. ***Coleman v. US, 2006 WL 1627805 (W.D. La., June 12, 2006).***