

Do Plastic Surgery Residents Get Sued? An Analysis of Malpractice Lawsuits

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Introduction

- Plastic and reconstructive surgery carries a high risk for malpractice litigation¹
- Trainees may be implicated in malpractice lawsuits
- Our study has evaluated the percentage of malpractice cases among plastic surgery residents and quantified the financial impact on their career

Objectives

- To analyze the events that precipitated litigation to better understand how to:
 - Prevent future occurrence
 - Improve malpractice education in residency programs
 - Decrease this burden on future plastic surgeons
 - Improve patient satisfaction and outcomes

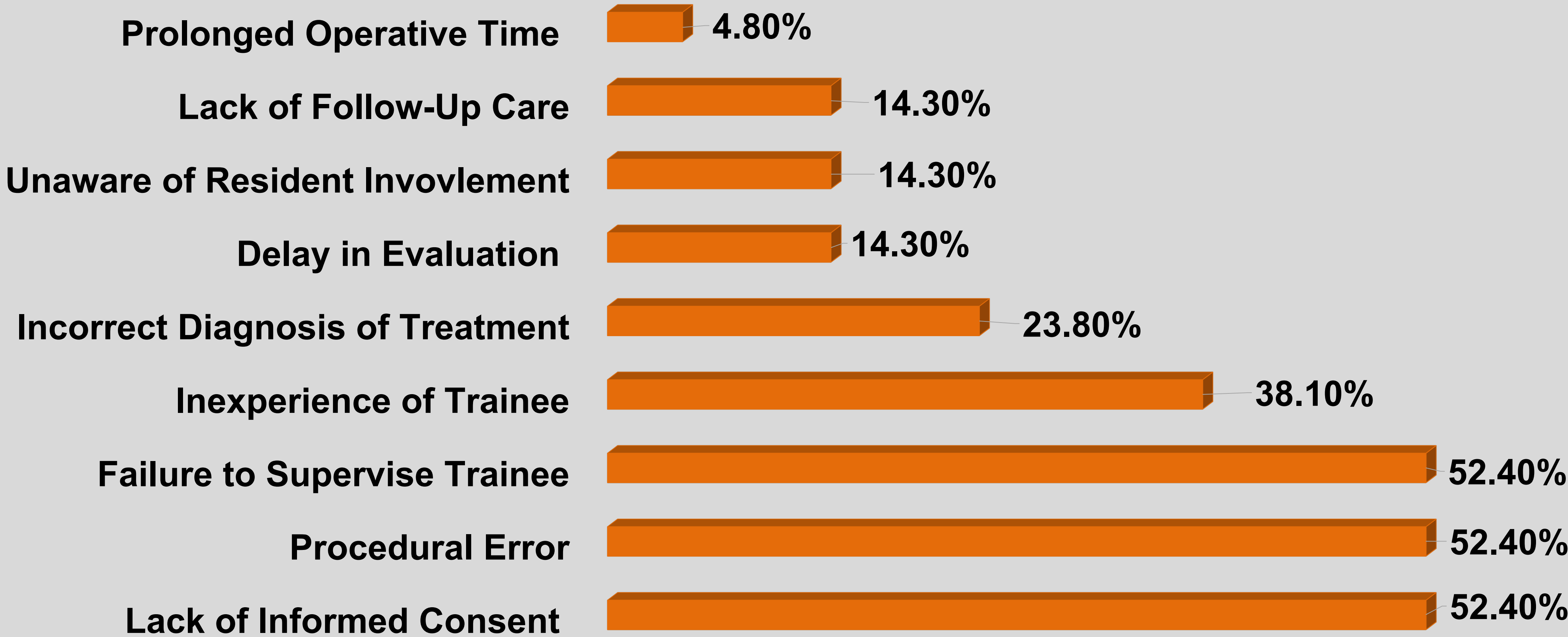
Methods

- Jury verdicts and settlements from appellate state and federal cases between February 1988 and 2020 were queried from the LexisNexis legal database
- Data collected from these cases included:
 - Plaintiff and patient demographics
 - Case characteristics
 - Allegations
 - Outcomes
- Cases were manually reviewed by 2 independent authors

Results

- 21 malpractice cases were identified
 - 14 (66.67%) involved claims in which a trainee was directly named as a defendant.
- 18 (85.7%) cases were due to procedural-related adverse outcomes
 - 5 (27.8%) occurred when the trainee was the lead surgeon.
- 3 (14.3%) cases were associated with clinical or diagnostic-related adverse outcomes.

Allegations Raised by Plaintiffs



Case Descriptions	
Median Time of Injury to Lawsuit Resolution:	3.8 years
Verdicts Ruled in Favor of Defense:	38.1%
No Verdict Made (Settlement):	28.6%
Median Payout for Plaintiff Won Cases:	\$5,100,000
Median Settlement:	\$2,500,000

Discussion

- Physicians in surgical specialties have the highest risk of malpractice litigation compared to other fields. Specifically, plastic surgeons have a 15% chance annually of being sued.²
- The data shows that a trainee may be named as a defendant at any time on their training continuum (both junior and senior trainees)
- Though trainees may be deeply involved in patient care, lack of comprehensive clinical and communication experiences may impact this risk
- Residents do not receive formal education on litigation
- Miscommunication was the underlying issue among the majority of allegations analyzed

Conclusion

- Understanding the claims against plastic surgery trainees may help mitigate litigation risk by developing best practices.
- Procedural error, improper informed consent, improper trainee supervision, and resident inexperience were the most common allegations raised.
- Residents should receive formal education during residency to mitigate this financial and psychological burden

References

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