

# MEDICALADVISORS, INC

## TECHNICAL NETWORK CONSULTING SERVICE®

### LUMBAR SURGERY

#### Lumbar Surgery and Litigation

*Neurosurgeon from North Carolina:*

The negligent performance of lumbar surgery may also give rise to litigation. Negligence in the actual performance of lumbar surgery, however, is infrequently documented in the medical records and may be difficult to prove. On the other hand, such actions as performing a discectomy or laminectomy at the incorrect level almost always falls below the applicable standard of care and can be independently proven.

Other examples of negligence during surgery include certain aspects of lumbar fusion surgery, iliac vein or aortic perforation, and the failure to repair a dural tear or leak when recognized. Examples of intraoperative mishaps that rarely rise to the level of medical negligence include dural tears, cerebrospinal fluid leaks, excessive bleeding and inadvertent nerve root injury. Overall, mishaps during the technical performance of lumbar surgery constitute the fewest instances of medical negligence. Finally, the failure to diagnose and treat a post-operative complication may give rise to medical care that breaches the applicable standard of care.

Many post-operative complications following lumbar surgery involve either infection or neurological dysfunction. Infection following lumbar surgery, in and of itself, is usually not medical negligence; the failure to diagnose and treat such an infection, however, may constitute medical negligence. The failure to diagnose and treat a post-operative disk space infection can also constitute medical negligence. The presence of a post-operative neurological deficit, in and of itself, may not constitute medical negligence, but the failure to evaluate and treat such a deficit may be medical negligence.

The failure to provide adequate post-operative follow-up care may constitute medical negligence. In general, close follow-up of a patient following lumbar surgery is indicated, and the threshold for performing post-operative imaging including MRI scanning must be low for evaluating neurological dysfunction or infectious processes.

In summary, back pain and lumbar surgery are common medical entities and may be associated with medical negligence giving rise to litigation.

The actual performance of the surgical procedure may give rise to negligence but only in specific instances that may be independently proven.

More commonly, litigation arises from a failure to diagnose the disease entity prior to surgery or a failure to evaluate properly, diagnose and timely treat the patient in the post-operative period. For these very reasons, an experienced expert witness is necessary to evaluate cases involving lumbar disease and surgical procedures.

There are numerous experts who are more than willing to provide testimony for medical malpractice and personal injury litigation cases. Finding the right one is crucial to the strength of your particular case.

Since 1983, Medical Advisors has assisted in the selection of expert witnesses in several thousand cases. Working with plaintiff and defense bar, we have provided medical opinions and testimony which have resulted in competent preparation and in-court support for cases involving medical malpractice, hospital negligence, personal injury, workers' compensation and product liability.

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