

## 肝・胆・膵疾患領域における医療訴訟の分析

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肝・胆・膵疾患領域における医療訴訟の分析

(Medicolegal Assessment of Hepatobiliary Pancreatic Malpractice Claims)

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#### Abstract

Given that surgery and other forms of treatment of hepatobiliary and pancreatic diseases require sophisticated management expertise, there is an inherently risk of serious and fatal consequences. For this reason, medical malpractice litigations in this field is not uncommon. In this study, we conducted a retrospective analysis of malpractice litigations related to hepatobiliary and pancreatic diseases in order to lower malpractice pressures imposed on physicians.

85 malpractice claims related to hepatobiliary and pancreatic diseases filed between 1989 and 2014 were analyzed to assess the details of treatment that were prone to error, and to excavate trends in the types of negligence that were commonly filed.

According to the analysis, malpractice negligence was affirmed as follows. ①a breach of duty to conduct pertinent tests (16 cases), ②a breach of duty to inform (15 cases), ③ diagnostic negligence (15 cases), ④postoperative management negligence (11 cases), ⑤ procedural negligence (6 cases).

Because the hepatobiliary and pancreatic operations often provoke unpredictable complications and the patients' family cannot easily accept those sad facts, we have predicted that the numbers of ②, ③, and ⑤ are large. But we haven't predicted enough that the numbers of ①a breach of duty to conduct pertinent tests and ④postoperative management negligence are so large.

Among the cases of ①a breach of duty to conduct pertinent tests, the number of the cases caused by a breach of duty to conduct screening examination to find liver cancer, is largest. According to the analysis, this result may be related to the fact that the treatment period for hepatobiliary and pancreatic diseases tends to be long. Doctors are sometimes negligent in their task to conduct periodic tests.

Among the cases of ④ postoperative management negligence, the number of the cases caused by negligence to observe to prevent acute pancreatitis after ERCP. According to the analysis, this result may be caused by the lack of knowledge and measurement for the complications.

And we find that the number of the lawsuits are very small, after the Supreme Court sentenced the judgement. About the case of screening test for liver cancer and the case related to kernicterus, we find that trends. It may be possible that the Supreme Court roles as a wake-up call to prevent medical malpractice.