

Imaging Scenario No. 4: The Case of Who Goes First

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Scenario number four was about the hospital's decision on which patient to operate on first. We have Marguerite, an 89-year-old lady who has a heart attack around 3:30 AM, and is scheduled to be operated on. She has a six hour window for the procedure to be "effective." At 4:30 AM, 45 -year-old Sarah comes in with a heart attack needing a lifesaving surgery as well. The hospital both women are taken to is Chicago Memorial Hospital. Here there is only one surgical room and team available when the women need their operation. When the surgical team was ready a decision was made that Sarah will be the one to receive the operation first. Unfortunately for Marguerite her window closed and she died the next morning due to Sarah's operation lasting longer than expected.

With all the information and timeline of how the situation occurred it is understandable how Marguerite family would like to file a lawsuit against the hospital for the decision not to operate on their mother first. We will discuss some of the legal and ethical claims they can make but it will be explained how the hospital acted responsibly due to limited resources and made the best decision.

The first claim that Marguerite's family can make is how their mother came into the hospital first and her doctor put in the order for the surgical team and room for Marguerite's before the other patient came in. The family may feel that the criteria of a physician to determine who to operate on should come down to a first come first serve basis. But the circumstances were that Sarah needed lifesaving surgery immediately. In the scenario it also states that the decision was made based on the fact the Sarah was younger and had a greater chance of recovery. The family may be able to claim that the hospital made this decision based on ageism.

With so many grey areas and the sensitivity of this scenario Dr. K needs to be very conscious of the way he approaches and explains how Marguerite died when speaking to her family. If given all the information, the family may be able to sue their family physician, Dr. K

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for not urging the hospital to operate on his patient. Marguerite's family could argue that because he knew that her surgery had a specific time limit he should have advocated for Marguerite. Therefore Dr. K demonstrated negligence. Due to HIPPA laws Dr. K cannot disclose information about Sarah and her surgery and use that to explain why their mother was not operated on. So depending on how Dr. K approaches the family he may or may not have a case against him and the hospital.