Case of the Infection

Scenario No. 2: The Case of Jacob and the Diseased Leg

Ashley Lozano; Ethics 101; 12/14/2023

In The Case of Jacob and the Diseased Leg, Jacob, an outstanding quarterback offered a college scholarship suffered a compound fracture that broke the skin. After spending three days in the hospital on intravenous antibiotics he was discharged and told to come back in six weeks. At six weeks the parents brought Jacob back to the surgeon's office for his cast removal, and except for the incision being slightly inflamed and draining around the stitches, Jacob's broken bone seemed to be healing. After Jacob's cast was removed, he was told to wait a minute while the surgeon ran across the hallway to check on another patient. The surgeon, Dr. M., removed his gloves and washed his hands in Jacob's room, then went across the hall. The surgeon checked the other patient's leg, which was infected with osteomyelitis. The doors between the exam rooms were open so Jacob's parents could see the surgeon. After finishing up with the other patient, the surgeon came back to Jacob's room without washing his hands or putting gloves on and examined Jacob's leg more carefully. Jacob only had slight inflammation, so the surgeon prescribed antibiotics. When Jacob came back a week later, his leg was grossly infected with a large abscess. Jacob had to have another surgery to drain the abscess. The pathology report determined that Jacob had developed osteomyelitis. This infection took several months to heal which meant Jacob could not play football that fall and lost his scholarship. Jacob's parents asked Dr. M. to provide the results of the tissue test and then they sued the surgeon for negligence. I will discuss the ethical dilemmas that arose in this scenario, the legal considerations that must be considered, and any professional issues that must be considered.

The ethical dilemma in this scenario is nonmaleficence: the goal is to do no harm achieved through passive omission and is the primary responsibility of the health care provider. The obvious mistake Dr. M. made was not washing his hands or putting on gloves after returning to Jacob's room. An alternative solution would be to make the surgeon aware of not washing his hands, asking him to use hand sanitizer, or to put on gloves. The best solution is to make him aware. Also, Dr. M. breached confidentiality with Sarah, the patient across the hallway, Jacob's parents could see straight into Sarah's room and overheard Dr. M. say he was glad to see that her osteomyelitis was almost better.

A legal consideration in this scenario is medical negligence. A healthcare provider's failure to follow the appropriate standard of care is therefore a special type of negligence. The plaintiffs (Jacob/his parents) can prove Dr. M. breached this legally required standard of care and thus was negligent. This would result in a civil law that addresses wrongs committed by one party harming another. It is also a tort, which is a subdivision of civil law. Actions are filed to recover damages for personal injury occurring from negligent conduct. Dr. M. ruined any chance of Jacob playing college football. Two types of torts have been conducted by Dr. M., negligence on Jacob and breach of confidentiality on Sarah. Sarah's would be considered administrative law.

A professional issue to consider is in the Standards of Ethics, one code states the RT or in this case, the surgeon assesses situations; exercises care, discretion, and judgment; assumes responsibility for professional decisions; and acts in the best interests of the patient. Another states, that the surgeon respects confidences entrusted during professional practice, respects the patient's right to privacy, and reveals confidential information only as required by law or to protect the welfare of the individual or the community. Dr. M. did not follow any part of these codes in this scenario. Dr. M. did not exercise care by

not washing his hands or reapplying gloves in Jacob’s case and discretion/breach of confidentiality in Sarah’s case, which was not in the best interest of the patients.

In summary, Jacob and his parents did contribute to Jacob’s condition by not speaking up. It is the responsibility of Dr. M. to practice and maintain high-quality patient care, but a small reminder would have gone a long way. It could have all been prevented if Dr. M. practiced the proper standard of care, if the parents had asked Dr. M to wash his hands or put on gloves, or if Dr. M. had closed the door to protect Sarah's confidentiality.