

Page 1 of 1

ABSTRACT

A case illustrates why it is important to take a sufficient history during a telephone call.

A 10-month-old infant became feverish and was taken to the hospital where a full workup, including lumbar puncture, was performed. He was found to have otitis media and was started on antibiotics.

There was some initial improvement but about a week later he again became feverish and on a Saturday afternoon was taken to the local hospital emergency room where he was seen by a paediatrician. The ear was still inflamed and an antibiotic was again prescribed.

Later that night the parents tried to give the child the medication, but after the dose he vomited some red material that appeared to be blood. The parents then phoned the doctor again, who attributed the vomiting to the ear infection.

The next day at noontime the child was taken back to the hospital. He had seizures and was comatose. Meningitis was diagnosed. Treatment was successful in saving the child's life, but the child is permanently neurologically compromised, with a normal life expectancy.

The litigation which was brought proceeded to trial. The parents alleged the child had been lethargic at the emergency department visit. They said he had become increasingly more "floppy" during the evening and had been unable to sit up when they tried to give him the medicine.

The judge drew a conclusion, based on medical expert opinion, that if the doctor had gained a clear understanding of the child's condition during that telephone call, the

doctor would have insisted on seeing the child again. The judge ruled that the doctor had a responsibility during the telephone call to elicit from the parents the facts about the child's condition and should not have been satisfied with a simple report about vomiting. The judge determined that these were not parents who overreacted to every little ailment and the doctor should have reacted differently on receiving a report of the vomiting, whether or not the doctor was told that the vomitus contained blood. The written judgment stated: "I believe that if Dr had asked Mrs specific questions about how much (the child) was sleeping, if he was eating and his level of alertness, he would have been told about his lethargy and inability to sit up." The judge found for the plaintiffs.

One lesson that may be learned from this is to obtain sufficient history during a telephone call so as to be able to provide a professional opinion.

CMPA members are encouraged to contact the CMPA about specific medico-legal concerns at 1-800-267-6522.