

Bariatric Surgery: Nurses, Residents Monitored Patient After Surgery, Not Liable For Death.

The forty-eight year-old patient weighed 416 pounds and had gained 200 pounds in the preceding eighteen months. A highly experienced gastric bypass surgeon obtained two cardiology workups and a pulmonary workup before going ahead with a Roux-en-Y procedure.

The American Society for Bariatric and Metabolic Surgeons has very specific guidelines for monitoring the post-op patient's heart rate for signs of systemic reaction to leakage.

SUPREME COURT
NASSAU COUNTY, NEW YORK
October 9, 2009

The nurses and resident physicians monitoring him during the two days after surgery carefully observed and charted that his heart rate sometimes spiked at 165 but then returned to baseline below 120.

When foul-smelling drainage was detected at the incision site, the surgeon was promptly notified. Medical testing was done to confirm there was a leak and he was taken back to surgery. He arrested soon after the second surgery and lingered in the ICU fifty days before dying with multiple organ failure from sepsis.

The jury in the Supreme Court, Nassau County, New York cleared the patient's nurses and the resident physicians from allegations of negligence.

The hospital had expert testimony that the standard of care is defined by specific guidelines for post-bariatric-surgery care which establish when a patient's pattern of elevated heart rate is to be considered a sign that the patient's anastomosis may be leaking and testing is indicated. Those guidelines were never transgressed by this patient's caregivers. **Estate of Apikoglu v. Leitman, 2009 WL 4731193 (Sup. Ct. Nassau Co, New York, October 9, 2009).**