

## Scalpel Blade: No Presumption Of Negligence By Hospital Staff.

The scalpel blade came off the handle during surgery while the orthopedic surgeon was using it to create posterior and anteriolateral portals inside the patient's right shoulder.

When the surgeon noticed the scalpel handle no longer had a blade on it he went back and found it by enlarging the incision a few millimeters with another scalpel.

The surgeon told the circulating nurse to write an incident report. Those involved in the case stated for the report the handle was inspected, the blade was attached in the usual manner and there was no indication of a problem until the blade came off.

The Superior Court of New Jersey, Appellate Division, ruled there was no legal basis to presume that the surgeon or the perioperative staff were guilty of negligence. The patient elected to sue only the hospital and not to sue the manufacturers of the scalpel handles used at the hospital, a significant omission in the court's opinion. **Valente v. Christ Hosp., 2009 WL 2365991 (N.J. App., August 4, 2009).**