Discussion

The case of Shinal v. Toms exhibits malpractice in the neurosurgical procedures. Shinal met Toms for discussing the surgery for the removal of the tumour. The doctor obtained signed consent from the patient before surgery. PA of Toms discussed the surgery with the patient. After two weeks an open craniotomy surgery was performed but the patient experienced a stroke and partial blindness. Shinal with her husband sued Dr. Toms for not obtaining signed consent. The couple claimed that no discussions occurred between them and the physician. They lacked proper information about the surgery and possible outcomes.[[1]](#footnote-1)

The court concluded that the doctor failed to inform the patient about the consequences of surgery. Toms was guilty for malpractice because no communication occurred between him and the patient. Informed consent demands that there must be direct interaction between the doctor and the patient. As no communication occurred between these parties, the physician was guilty of neglecting the need for informed consent. The duty to obtain informed consent is of the doctor, not his PA. It is the duty of the doctor to convey the information about surgery to the patient before conducting an intervention. Informed consent demands that the patient holds complete knowledge about the pros and cons of surgery.

The Pennsylvania Supreme Court concluded that there must be direct communication between the doctor and the patient for getting informed consent. Tom’s inability to engaging in the discussion directly reflects malpractice. Another claim that reflects a violation of informed consent is the inability of the physician to explain the risks of the surgery. It was the individual responsibility of the physician to explain the procedures to the patient and provide detailed information about the possible harms and benefits.

Reference

Mdedge. *The Right Choice? Mixed feelings about a recent informed consent court decision*. 2018. Retrieved 03 28, 2019, from https://www.mdedge.com/surgery/article/162187/practice-management/right-choice-mixed-feelings-about-recent-informed-consent/page/0/1

1. Mdedge. (2018). *The Right Choice? Mixed feelings about a recent informed consent court decision*. Retrieved 03 28, 2019, from https://www.mdedge.com/surgery/article/162187/practice-management/right-choice-mixed-feelings-about-recent-informed-consent/page/0/1 [↑](#footnote-ref-1)