

## Healthcare Group Obtains Defense Verdict for Gastroenterologist in Negligence Case

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### June 26, 2012

Following their successful defense of an internal medicine specialist in the Bucks County Court of Common Pleas on May 1, 2012, Anna Bryan and Debbie Weinrich of the firm's Healthcare Group obtained another defense verdict on June 26, 2012. (See *Healthcare Group Obtains Win For Doctor Alleged to Have Provided Negligent Care to Patient in the Cases and Deals* section). This time their victory occurred in Montour County's Court of Common Pleas. The case had been filed in 2006 and involved multiple legal issues and motions. Kim Kocher of the Appellate Practice Group provided analysis on material legal issues.

During trial, Anna and Debbie successfully represented a gastroenterology specialist who plaintiffs alleged had negligently performed endoscopic retrograde cholangiopancreatography (ERCP) instead of first performing a non-invasive radiologic diagnostic study called magnetic resonance cholangiopancreatography (MRCP) for the plaintiff's medical condition. Within hours of the ERCP, the plaintiff developed a known complication of the procedure - severe pancreatitis, a condition opposing counsel described as "suicide" of the organ. The plaintiff was very ill and spent much of the next year in two hospitals, with a good portion of that time in an intensive care unit, and unable to eat for a little over three months.

The defendant physician, and the expert, James Watkins, M.D. of Indiana University in Indianapolis, testifying on the defendant's behalf, explained to the jury that the invasive test was warranted given the patient's prior complex and extensive medical history, results of multiple imaging studies, very significant weight loss over a period of months, and a long-standing pattern of abnormal liver studies. The plaintiffs argued that the doctor "ran a red light" when proceeding with the ERCP when the patient's liver studies undisputedly proved to be normal on the morning of the procedure, rather than stopping and changing the treatment plan to investigation via MRCP, a test with no known risks.

Defense themes demonstrated not only that the ERCP was warranted given the clinical circumstances because it provided the ability to be both diagnostic and therapeutic, but also that MRCP software technology, and radiologic interpretation, was still evolving and had proved unreliable in 2004 when the care at issue occurred.

The jury found the doctor was not negligent.

### Attorneys

Debra A. Weinrich

### Practice Areas

Appellate

Healthcare