Is failure to provide venous thromboprophylaxis negligent?


Abstract

Overview
VTE can be considered a largely preventable condition in hospitalised surgical patients. As such healthcare institutions and individuals may be liable to medico-legal claims.

Methodology
100 consecutive claims over a 13 year period where surgical patients had DVT/PE and VTE cases were examined where one of the authors was instructed to provide an expert opinion. Prophylaxis specifically in surgical cases was examined.

Results
Of the 100 claims, 62 involved a proven PE resulting in 24 deaths. Only 8 of the claimants had a previous history of VTE. Some cases related to patients who were identified as being at risk but for different reasons did not receive prophylaxis. Some related to short duration surgery and demonstrates that these patients can still be at risk and should be provided with thromboprophylaxis. Clinical signs and symptoms are unreliable and it is not possible to exclude diagnosis on clinical grounds alone.

Conclusion
VTE is common and can result in successful claims for negligence. Common themes in successful litigation include failure to undertake risk assessment and failure to provide appropriate prophylaxis.