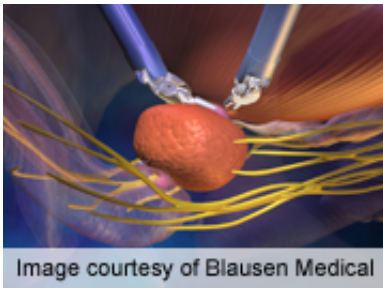


Informed consent plays major role in prostatectomy lawsuits

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(HealthDay)—Claims of not receiving proper informed consent and clinical performance are the main issues that arise in radical prostatectomy malpractice litigation, according to a study published in the June issue of *The Journal of Urology*.

Marc Colaco, M.D., from the Wake Forest School of Medicine in Winston-Salem, N.C., and colleagues examined the causes of litigation in cases of [radical prostatectomy](#) using publicly available verdict reports from the Westlaw legal database. In addition, they assessed the factors that contribute to verdicts or settlements resulting in indemnity payments.

The researchers found that 25 cases from the database search were relevant to radical prostatectomy, of which 24.0 percent were settled out

of court and 76.0 percent went to trial. Patients were awarded damages in 20.8 percent of cases that went to trial. No significant difference was seen in awards between verdict and settlement. Patients' claims included that they did not receive proper [informed consent](#) (36.0 percent) and that the surgery was not the appropriate standard of care (16.0 percent). Negligence in the performance of surgery was claimed in 13 cases, with most claims due to rectal perforation.

"The main issues that arise in radical prostatectomy malpractice litigation are those of informed consent and clinical performance," the authors write. "Comprehensive preoperative counseling, when combined with proper surgical technique, may minimize the impact of litigation."

One author disclosed financial ties to the Piedmont Stone Center.

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