

## Diagnosis Error in A Young Lady: Breach Of The Contract Law

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**Abstract:** Diagnostic errors as part of medical errors are not uncommon; but some of them are unacceptable because of their lethal consequences. Thorough clinical examination along with paraclinical investigations could help minimize errors. We report such an error in case of a 20 years old housewife eye tumor.

**Keywords:** Diagnostic errors, medical errors, eye tumor.

### INTRODUCTION

The American Institute of Medicine's report on improving the safety of the healthcare system defines clinical error as 'the failure of a planned action to be completed as intended or the use of a wrong plan to achieve an aim'. In other words, errors can arise in planning actions or in executing them [1].

Tumor is an abnormal growth or bulging of the body. The pathologist defined tumor as an excessive and irreversible tissue growth. Tumor in outline can be divided into two which is benign tumor and malignant tumor. Benign tumor has a limited growth whereas malignant tumor has an unlimited growth [2]. Eye tumor is a tumor that strike the eye ball and its content, such as palpebra, muscles, optic nerve, and lacrimal gland. Primary eye tumor is a tumor that originates from the eye ball tissue and its content whereas secondary eye tumor is a metastasis from other part of the body [3]. Eye tumor patients usually come with complaints of a lump that can cause changes in facial shape, proptosis, periocular pain, inflammation, lacrimation, or any obvious tumor [4].

Some errors can yield mild consequences; but some others may be fatal, for instance in malignant tumors.

### CASE REPORT

We report the case of a 20 years old housewife who was followed up by an ophthalmologist since 2012. She was complaining of painful eye with proptosis. The ophthalmologist concluded to a pseudotumor and prescribed steroid tablet; but no

improvement was noticed after three months, then the patient was sent to an endocrinologist who found no pathology after investigations. The ophthalmologist kept on prescribing the steroids till August 2013. The patient was eventually admitted in the outpatient department of the Institute of ophthalmology. A CT-Scan (Computerized Tomography) was requested but the patient could not afford the fees; she died "in fine" three months later.



Fig 1: A 20 years old housewife died of right eye tumor

### DISCUSSION

Medical errors are encountered throughout the world and are a serious breach of the law of medical contract. In the USA, there is a rate of outpatient diagnostic errors of 5.08%, or approximately 12 million

American adults every year; medical error results in 44 000-98 000 unnecessary deaths each year and 1 000 000 excess injuries [5, 6].

Diagnostic errors are important in all branches of medicine as they are an indication of poor patient care. 953 diagnostic errors were noted in 934 patients [7]. Surveys have found that diagnostic errors are a major concern of both patients and physicians.

A survey of over 2000 patients found that 55% listed a diagnostic error as their chief concern when seeing a physician in an outpatient setting. Similarly, physician surveys have consistently found that approximately half the respondents encounter diagnostic errors at least monthly [8].

Diagnostic errors often result from physicians' biases and failed heuristics (mental shortcuts) [9]. In practice, the most common cognitive error is premature closure of the diagnostic process, in which the physician may not even consider the correct diagnosis as a possibility for example, in a study of 583 diagnostic errors, Schiff and colleagues found that "failure or delay in considering the diagnosis" was the most common failure in the diagnostic process. The most commonly missed diagnoses were cancer, pulmonary embolus, coronary disease, aneurysms, and appendicitis [10].

Under the general law of contract and its general obligations, there is a voluntary exchange of an offer of a service and its voluntary acceptance. The service must be made clear along with its limitations, dangers, advantages and disadvantages [11]. In the provision of the law of contract, the Doctor is not obliged to heal the patient, but provide to him, conscious and fair care according to the up- to- date medical science [12].

## CONCLUSION

Diagnostic errors are a breach of the provision of contract law and an infringement of the rights of the patient to fair health care. The medical professionals need to be very careful, since it can involve their legal liability.

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