

## \$1,000,000 SETTLEMENT IN BREAST CANCER MISDIAGNOSIS CASE.

### *Medical Malpractice Trial Report*

#### **BREAST CANCER Medical Malpractice Lawsuit: Delay in Diagnosis of Breast Cancer Worsens Prognosis.**

At a routine office visit the patient's doctor noted a small lump on the left breast. No further testing was ordered by way of mammogram or biopsy and no definitive diagnosis was made. The doctor recommended a careful diet, exercise and a decrease in caffeine. The doctor assured the patient that the nodule was not worthy of additional examination and that the likelihood of cancer given her overall health and age was low.

Several months later the breast nodule was again appreciated and the patient was instructed to return in three weeks.

As ordered, a few weeks later the patient had a mammogram and ultrasound the mammogram revealed a left mass in the sub-areolar area, which correlated with a palpable node. An excisional biopsy was then performed. The pathology revealed invasive mammary carcinoma with ductal and lobular features, moderately differentiated and ductal carcinoma-in-situ.

Chemotherapy was started and a lumpectomy was performed and the patient started radiation and Tamoxifen. She had treatment every day for six weeks and will continue on the Tamoxifen for the next four years.

The nodule, which was diagnosed as breast cancer, had been present in the breast for more than a year. The patient was not provided with proper follow up since the discovery of the nodule by the doctor such as an excisional biopsy or needle aspiration.

The failure of the doctor to provide the appropriate follow up on the breast nodule was negligent and fell below the standard of care for any qualified physician. Such a nodule must have further follow-up and attention to meet the standard of care for any competent physician.

Needle aspiration, ultrasound studies, as appropriate or biopsy would have resulted in early detection of breast disease and the failure to adequately follow up on the Patient's complaint allowed for a 17 month delay in the diagnosis of breast cancer with ensuing advance to a stage 3 with lymph node involvement, metastatic disease and dismal prognosis for cure.

Following mediation the case was settled for the amount of \$1,000,000.