

\$849, 325 (with interest) VERDICT IN BASIL CELL CARCINOMA MISDIAGNOSIS CASE. \*

*Medical Malpractice Trial Report*

**BREAST CANCER Medical Malpractice Lawsuit: Delay in Diagnosis of Breast Cancer Worsens Prognosis and Results in Wrongful Death**

At the time of the Plaintiff's first visit with Dr. Mensch she was complaining of a sore on the nose since Christmas as well as a mole on her chin and back. The Plaintiff informed the doctor that she had a positive family history, which included a father, and brother who had suffered from basal cell carcinoma of the nose. The Defendant removed the moles but there was no notation in the medical record regarding the state of the sore on the Plaintiff's nose.

At the next appointment was that she had a recurring lesion on her nose which would erupt on average four times per year with each eruption lasting a few weeks. The doctor's impression was that the Plaintiff had herpes simplex. No other potential diagnoses are listed in the Defendant's office note. The Defendant did not schedule any diagnostic procedure. No definite follow up examination was scheduled.

Soon after the Plaintiff was admitted to the Brigham and Women's Hospital for an elective total abdominal hysterectomy. The Plaintiff's gynecological surgeon ordered a Dermatology consultation for the lesion on her nose stating the impression was herpes, rosacea or basal cell carcinoma. The Dermatology impression was that the "enlarging non-healing nature is atypical for herpes although the morphology is quite consistent with the diagnosis." A follow up examination and a biopsy were suggested.

A biopsy was performed shortly thereafter and the pathology from a punch biopsy of the nose revealed basal cell carcinoma. A bilateral nasal reconstruction was performed for a "massive basal cell carcinoma (with a defect) measuring 4 cm. x 3.5 cm. requiring resection which left exposed alar cartilages and dorsum of the nose."

The Plaintiff then embarked on a course of reconstructive surgeries, which were able to reconstruct her nose. Had she been properly diagnosed, the basal cell carcinoma could have been removed easily with little if any scarring to her.

Following a 9-day trial the jury returned a verdict of \$849,325.

\*As Reported in Massachusetts Lawyers Weekly.