

## Medical Consultant Report and Summary

Case No: MD-08 [REDACTED]  
Date: February 19, 2009

Physician: [REDACTED] M.D.  
Medical Consultant: [REDACTED] M.D.

### Detailed (Chronological) Analysis:

In December 2008, Dr. [REDACTED] received notice from the Board that an attorney representing J.A., a patient upon whom Dr. [REDACTED] had operated several months prior, had filed a complaint against him. The complaint alleges "failure to provide a safe environment during a cosmetic procedure (Liposuction) by allowing the patient to directly come in contact with a heating pad, resulting in a third degree burn to the patient's abdomen."

Dr. [REDACTED] performed liposuction of the abdomen and waist as well as fat injections to the buttocks on J.A. in his clinic on April 30, 2008; apparently the same day that he saw her for an initial consultation and evaluation. A burn to the skin of the right lower quadrant of the abdomen was discovered at the end of the procedure when the patient was turned from the prone to the supine position in order to apply the dressings; the towels used to cover an ordinary electric heating pad placed beneath the patient to keep her warm during surgery had fallen away, exposing the patient's anesthetized (numbed) abdominal skin to direct contact with the heating pad resulting in the aforementioned burn.

The occurrence and cause of the burn were immediately disclosed to the patient and in addition to routine post-operative care for the liposuction, the patient received satisfactory burn wound care from Dr. [REDACTED] in the days and weeks that followed. On May 20, 2008 Dr. [REDACTED] refunded the entire surgical fee to the patient.

During the early post-op period, the patient also sought care from the [REDACTED] Burn Center where she was seen on May 21 and 23. The burn was described as full thickness (third degree) and excision and grafting of the burn was recommended but not performed; the patient continued care with Dr. [REDACTED] instead.

Ultimately, the patient discontinued care with Dr. [REDACTED] and was seen and followed for her burn by Dr. [REDACTED] a facial plastic surgeon, who she visited on June 6 and June 24, 2008. Dr. [REDACTED] continued routine local burn care. Photographs provided by the patient's attorney dated September 19, 2008 reveal a healed wound measuring approximately 4 x 10 cm consisting largely of red, hypertrophic scar tissue.

### 1. Proposed Standard(s) of Care:

A. Heating pads are medical devices regulated by the FDA. Any recommendations made by the FDA concerning their use can be considered the standard of care. On its website ([www.fda.gov/cdrh/safety/071207-heatingpads-qa.html](http://www.fda.gov/cdrh/safety/071207-heatingpads-qa.html)), the FDA recommends certain precautions when using a heating pad:

- i) Always place heating pad on top of, and not underneath of, the body part in need of heat. (The temperature of a heating pad increases if heat is trapped.)
- ii) Never use on a person who is paralyzed or has skin that is not sensitive to temperature changes.
- iii) Never use on a sleeping or unconscious person

B. The standard of care for liposuction and fat injections requires the surgeon to perform an appropriate pre-operative evaluation, carry out the surgery in a technically satisfactory manner and provide timely and adequate post-operative care. All properly documented with adequate medical records, of course. According to the state of Arizona "adequate records" means legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment.

**2. Deviation from the Standard of Care:**

A. Dr. [REDACTED] use of a heating pad directly underneath a sedated patient with insensitive (numbed) skin, contrary to the recommendations of the FDA, resulted in a significant burn to the abdominal skin of patient, J.A., and falls below the standard of care.

B. Dr. [REDACTED] medical records for the pre-operative evaluation are inadequate. There is no consultation note, no chief complaint, and no physical examination (of the abdominal area or buttocks) to support a preoperative diagnosis or to justify the subsequent surgery performed on J.A.

**3. Actual Harm Identified:**

Patient J.A. sustained a significant third degree burn of the abdominal skin as a result of the incorrect use of an electric heating pad. She is left with significant scarring that will likely require reconstructive surgery.

**4. Potential Harm Identified:**

None

**5. Aggravating Factor(s):**

Dr. [REDACTED] defends the use of the heating blanket in his responsorial letter and seems not to recognize the dangers associated with the improper use of a heating pad in surgery.

**6. Mitigating Factor(s):**

i) The patient is happy with the results of her liposuction and fat injections.

ii) Dr. [REDACTED] refunded the patient's surgical fee.

iii) Dr. [REDACTED] provided timely and appropriate burn care post-operatively.

**7. Consultant's Summary:**

Patient J.A. sustained a third degree burn of her abdominal skin from a heating pad used during cosmetic surgery performed by Dr. [REDACTED] in his clinic. Using published FDA rules regarding the use of heating pads as the basis for establishing the standard of care Dr. [REDACTED] clearly fell below the standard of care by using the heating pad in an area of numbed skin directly beneath a sedated patient. Additionally, Dr. [REDACTED] fell below the standard of care by failing to generate adequate medical records regarding the pre-operative evaluation of patient J.A.

**8. Records Reviewed:**

- i) Medical records and photos provided by the attorney for patient J.A.
- ii) Medical records provided by Dr. [REDACTED]
- iii) Patient complaint letter
- iv) Dr. [REDACTED] responsorial letters
- v) Medical records from the [REDACTED] Burn Center
- vi) Medical Records from Dr. [REDACTED]

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Print Name

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Date

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Signature