

IN THE SUPREME COURT OF NOVA SCOTIA
[Cite as: *Crocker v. Awan*, 2002 NSSC 136]

MELINDA LEE CROCKER

Plaintiff

v.

DR. S. I. AWAN

Defendant

JUSTICE A. DAVID MacADAM

SYDNEY, N.S.

S. N. No. 112687

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HEARD: Before the Honourable Justice A. David MacAdam, in Sydney, Nova Scotia on May 1 & 2, 2002

WRITTEN RELEASE

OF DECISION: May 24, 2002

SUBJECT: Negligence - Professional Negligence - Medical Malpractice - Standard of Care - Informed Consent

SUMMARY: The plaintiff suffered an extravasation of anaesthetic agents in the back of her left hand while she was being prepared for surgery. Following the surgery and after the swelling on the back of her left hand and inner left forearm had resolved, she continued to have redness followed by blistering in the area of her left inner forearm. This injury, for some time, affected her in carrying out housework. At the time of trial, although substantially healed, she was left with mild scarring. There was no expert evidence called by the plaintiff as to the standard of care required of an anaesthesiologist in introducing an anaesthetic agent. The defendant, and an expert anaesthesiologist called by the defence, testified that apart from the swelling they never had observed the remaining injuries sustained by the plaintiff, from the introduction of the agents used by the defendant.

HELD:

There was no evidence the defendant had breached the standard of care required of an anaesthesiologist in administering anaesthetic agents during the course of the surgery on the plaintiff. While testifying he could not say what had occurred, the defendant, as well as the expert called by the defence, gave examples of how an extravasation could occur, without necessarily involving any breach of the standard of care on the part of the anaesthesiologist.

In respect to informed consent, on the evidence it appeared that the risk of an extravasation was less than .1% and the injuries were not severe and as such there was no material risk that had not been disclosed to the plaintiff, notwithstanding she was not advised of the risk of an extravasation occurring during the injection of the anaesthetic agents. Additionally, in view of the low risk it was clear a reasonable person in the position of the plaintiff would have proceeded with the surgery and the general anaesthetic even after being advised of the risk of an extravasation.

Damages provisionally assessed at \$5,000.00.