

SAMPLE BREACH OF DUTY AND CAUSATION REPORT.

**EXPERT MEDICAL REPORT FOR THE COURT
ON BREACH OF DUTY AND CAUSATION**

Prepared by

DR K M BROWN MRCGP

NARROWCLIFF SURGERY

NEWQUAY

TR7 2QF

Date: 13th March 2016

Claimant: Mr B

Date of Birth 22nd February 1997 – now aged 19

Quay house

Bath BA12 9RD

Date of incident-XXXXXXX

Examination of medical records received 11th March 2016

PREPARED AT THE REQUEST OF:

MDDUS

Mackintosh House

Glasgow G2 4EA

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1. CURRICULUM VITAE

Dr Katherine Mary Brown MB ChB MRCP DCH

GMC 4196116

GP expert Peninsula medicolegal services

Qualified University of Birmingham 1995

15 years' experience as a General Practitioner.

GP appraiser

Academic tutor, University of Exeter Medical School.

2. SUMMARY OF INSTRUCTIONS AND ISSUES TO CONSIDER

1. Was Dr K negligent in not prescribing the correct antibiotic for the treatment of an infected dog bite?
2. Did the failure to prescribe co-amoxiclav result in :-
 - 1 a more serious infection
 - 2 a longer recovery
 - 3 significant scarring

Although I am instructed by the Medical Defence Union, this report is prepared by an independent expert for the Court and not for the MDU. My full declaration is set out at the end of this report.

3. DOCUMENTATION, MATERIALS AND INFORMATION PROVIDED

1. Claimant's primary care record as provided
2. A+E attendance letter dated 15/1/2015
3. Hospital discharge letter from admission 20/1/2015 – 23/1/2015.
4. Hospital discharge letter from admission 30/1/2015- 2/2/2015
5. Witness statement provided by Mr B.

4. HISTORY AS GIVEN BY THE CLAIMANT

Mr B works in a kennels and at the time of the alleged incident was 18 years old. In his witness statement, Mr B states that he “attended my local A+E department on 15/1/2015 having been bitten by a dog when cleaning the cage. The wound was washed and I was told to see my GP in 2 days. I made an emergency appointment to see Dr K as the wound was getting more red and painful. He gave me antibiotics to take. My ankle got more red and swollen so I went back to A+E where I was admitted for antibiotics through a drip for 3 days. When I went back for review it still hadn’t healed properly so I had to have an operation and more antibiotics”.

5. SUMMARY OF RELEVANT MEDICAL RECORDS

The following summary is based on my review of the claimant’s primary care records(4.1) pertaining to this case, the hospital A+E attendance letter(4.2) and subsequent hospital discharge summaries (4.3, 4.4).

The records (4.2) show that Mr B attended Bath Hospital Accident and Emergency department on 15/1/2015 with a 2cm incision to his right ankle. The wound was washed out and left open to heal. Mr B was given instructions to see his GP in 48 hours for a review, or sooner if any sign of infection.

From the GP notes (4.1) Mr B attended on 17/1/2015 and was seen by Dr K. The notes state “dog bite to R ankle, 2 days ago. Surrounding cellulitis no pus. Rx flucloxacillin. Adv. see SOS “

The hospital discharge letter(4.3) states that Mr B presented on 20/1/2015 where he was found to have an infected wound requiring intravenous co-amoxiclav for three days and was discharged on an oral course of co-amoxiclav.

The hospital discharge letter (4.4) states that he was readmitted on the 30/1/2015 because the wound had become necrotic and required debridement (cutting out dead tissue). He remained in hospital for 2 days and had a further course of co-amoxiclav.

There is no relevant past medical history in his primary care record (4.1)

6. OPINION ON BREACH OF DUTY AND CAUSATION

It is my opinion that Dr K's treatment of the claimant fell below the expected standards of care in not giving co-amoxiclav to Mr B, when she first saw him. Flucloxacillin is a very commonly used antibiotic for superficial skin infections. However it is only effective against a narrow spectrum of bacteria (typically *Staphylococcus Aureus*). Animal bites commonly introduce bacteria which are not sensitive to this antibiotic. Co-amoxiclav is a broad spectrum antibiotic which is known to be effective against bacteria which are associated with animal bites. The CKS (Clinical Knowledge Summary produced by NICE) states that in animal bites one should prescribe oral antibiotics for "all cat bites, animal bites to the hand, foot, and face; puncture wounds; wounds requiring surgical debridement; wounds involving joints, tendons, ligaments, or suspected fractures". Furthermore it states that for "prophylaxis and treatment of an infected animal bite, prescribe a 7-day course of co-amoxiclav. (Appendix 8.2)

In addition the BNF advises for prevention of infection from animal and human bites "Co-amoxiclav alone (or doxycycline and metronidazole if penicillin allergic). Antibacterial prophylaxis recommended for wounds less than 48-72hrs old when the risk of infections is high (e.g. bites from humans or cats, bites to the hand, foot, face or genital area). Give antibacterial prophylaxis for up to 5 days" (appendix 8.1).

It is my opinion that the vast majority of GP would be aware of these guidelines. It would therefore be highly unusual not to adhere to them and in this case, I cannot see any logical reason why Dr K failed to do so.

Although I defer to the opinion of a plastic surgeon/microbiologist, it is my opinion that the failure by Dr K. to prescribe co-amoxiclav is likely (at least in part) to have contributed to a more serious infection, prolonged recovery and significant scarring. It is highly likely that co-amoxiclav would have been effective against the bacteria causing cellulitis in this case. Had this been prescribed it is probable that surgery and resultant increased scarring would have been avoided.

7. SUMMARY OF CONCLUSIONS

It is my opinion that Dr K was in breach of duty in failing to prescribe the correct antibiotic for an infected dog bite. It is highly likely that this in part led to prolonged treatment, unnecessary surgery and more extensive scarring.

8. REFERENCES

8.1 Clinical Knowledge Summaries, NICE revised 2015 "Bites- human and animal"

8.2 British National Formulary section 5.1, p 347 "Prevention of infection from animal and human bites"

9. EXPERT'S DECLARATION

1. I understand that my overriding duty is to the court, both in preparing reports and in giving oral evidence. I have complied and will continue to comply with that duty.
2. I have set out in my report what I understand from those instructing me to be the questions in respect of which my opinion as an expert is required.
3. I have done my best, in preparing this report, to be accurate and complete. I have mentioned all matters which I regard as relevant to the opinions I have expressed. All of the matters on which I have expressed an opinion lie within my field of expertise.
4. I have drawn to the attention of the court all matters, of which I am aware, which might adversely affect my opinion.
5. Wherever I have no personal knowledge, I have indicated the source of factual information.
6. I have not included anything in this report which has been suggested to me by anyone, including the lawyers instructing me, without forming my own independent view of the matter.
7. Where, in my view, there is a range of reasonable opinion, I have indicated the extent of that range in the report.
8. At the time of signing the report I consider it to be complete and accurate. I will notify those instructing me if, for any reason, I subsequently consider that the report requires any correction or qualification.
9. I understand that this report will be the evidence that I will give under oath, subject to any correction or qualification I may make before swearing to its veracity.
10. I have attached to this report a statement setting out the substance of all facts and instructions given to me which are material to the opinions expressed in this report or upon which those opinions are based.
11. That I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
12. That I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
13. That I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to either of the above two points.

10. STATEMENT OF TRUTH

I can confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signature:

Date: