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Scartelli Olszewski, P.C. Wins in Pennsylvania Supreme Court

Scranton, PA (June 2017) – Pennsylvania’s highest court decided in favor of Scartelli Olszewski client, Megan Shinal, ruling that a doctor has a personal duty to obtain a patient’s informed consent prior to surgery. A doctor cannot hand off to physician’s assistants or nurses the responsibility for explaining to patients the nature of the surgery, it’s risks, benefits, and alternatives.

“This is an important victory not only for our client but for all patients contemplating or undergoing surgery in Pennsylvania” - Melissa Scartelli, Founding Partner of Scartelli Olszewski, P.C.

This ruling gives Megan Shinal a new trial because the Pa Supreme Court held that the trial judge committed an error of law when he allowed the jury to consider information provided to her by her surgeon’s staff in deciding whether her consent to surgery was “informed.”

Megan Shinal suffered catastrophic injuries during open surgery for a benign tumor in the pituitary region of her brain. Geisinger Medical Center’s Chief of Neurosurgery, Dr. Steven A. Toms, admitted his choice of surgery was aggressive. During the operation Dr. Toms cut her carotid artery, resulting in hemorrhage, stroke, brain injury, and partial blindness.

Mrs. Shinal testified Dr. Toms spent limited time with her before surgery, and her questions were directed to the doctor’s staff. She also testified that Dr. Toms did not inform her of other surgical alternatives which carried less risk.

“The Court’s decision has nationwide implications for doctors and patients. While physicians assistants and other staff provide valuable health care services, they do not perform surgery and cannot substitute for the surgeon when having a life and death discussion about surgery” said Scartelli.

About Scartelli Olszewski, P.C.: Founded in 2001, Scartelli Olszewski, P.C. handles personal injury and wrongful death cases mainly caused by medical malpractice. Scartelli Olszewski, with clients in Pennsylvania lives by its slogan: “Small enough to care, large enough to win.” Scartelli Olszewski P.C. can handle cases from other states as well. Visit: <http://www.scartelli.com> to learn more.