

Special Feature

Should medical accidents be judged in criminal court?—Establishing a new patient safety system in Japan

The Case of Tokyo Women's Medical University

Chronological List of Events

The overview of the case

On March 2, 2001, radical surgery was performed on a 12 year old girl for her atrial septal defect and pulmonary stenosis by Operating Surgeon A (4 years of experience as a physician), Instructor X (20 years) as the first assistant, and Dr. Satoh in charge of operating the heart-lung machine (10 years). Due to blood drainage failure during surgery, she suffered severe cerebral disorder from cerebral circulatory insufficiency and died on the 5th of the same month.

In this case, Instructor A had ordered the nurses and clinical engineers to rewrite some details on the hospital records, such as the pupil sizes during and after the operation in the ICU records and the glycerol dosage in the heart-lung machine records.

The progress of medical events

March 2, 2001

- 09:05 General anesthesia started
- 09:50 Surgery started; small skin incision, partial sternotomy (minimally invasive cardiac surgery)
- 11:45 Cannulation
- 11:55 The heart-lung machine (using the gravity drainage method) started
- 12:00–02 Vacuum assisted venous drainage with negative pressure
- 12:03 Ventricular fibrillation started
- 12:10 Pulmonary valvuloplasty completed
- 12:39 Changed to total bypass
- 12:45 Right atriotomy, atrial septal defect closed
- 13:07 DC started (8 times in total)
- 13:09 Spontaneous beat started; the patient's head was positioned lower than the lower body
- 13:20 Pulmonary artery angioplasty started
- 13:29 Drainage failure (first time)
- 13:32 Around this time, second drainage failure
- After 13:49 Third drainage failure. Due to air in the drainage tube, Instructor X immediately placed a clamp. Then, isotonic sodium chloride solution was used, and gravity drainage re-started. The engineer who was called in for an emergency adjusted the negative pressure for a while, then aired and started gravity drainage. Immediately after the drainage failure, the anesthesiologist confirmed pupillary dilatation.

14:05 Tricuspid regurgitation test started
 14:35 Right atrium closure
 14:45 Weaning from the heart-lung machine
 16:50 Surgery completed

March 5, 2001

05:20 The patient died

The progress of the legal events

2001 Mar 5 The patient died
 Mar 9 The patient's family received an anonymous letter of accusation
 Oct 3 Tokyo Women's Medical University (TWMU) prepared the internal report
2002 Jan 8 The bill of complaint was submitted to police (treated as a report of sufferings)
 Feb 15 An out-of-court settlement was reached between the family and TWMU
 Jun 28 Dr. Satoh and Instructor X were arrested
 Jul 12 TWMU's designation as a Special Functioning Hospital was revoked
 Jul 19 Indictment
 Sep 18 The 1st trial at Tokyo District Court (52 public trials were held before court reached its decision, generally 1 trial or 2 a month)
 Sep 25 Released on bail
2003 May A joint report by 3 academic societies was prepared
2004 Mar 22 Instructor X was found guilty of destroying evidence and was sentenced to 1 year imprisonment with labor with a 3-year suspension of execution.
 May 6 The prosecutor requested a change of the counts
2005 Nov 30 The 52nd trial at Tokyo District Court (criminal court, judgment of not guilty)
 Dec 12 The public prosecutor appealed
2006 Jun 13 The 1st trial at Tokyo High Court
2007 Feb 8 Dr. Satoh filed a civil lawsuit against TWMU and the hospital director claiming compensation for damages
2009 Mar 27 Judgment of Tokyo High Court (criminal court, appeal dismissed)
 Apr 11 The judgment of not guilty became final (criminal court)
2010 Aug 24 In the lawsuit against TWMU and the hospital director claiming compensation for damages, the district court dismissed the claim (civil court)
 Sep 6 Dr. Satoh made an appeal
2011 Jan 6 A settlement was reached at the high court with TWMU and the hospital director, that they would "admit that the internal report was in error and most sincerely apologize," and that they would pay a solatium in the amount of 2 million yen (civil court)