



Ruiz v. Anesco Medical Services (FL S.Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this case is whether an anesthesiologist's improper clearance of a patient for use of general anesthesia during surgery could make the anesthesiologist liable for injuries incurred during the surgery unrelated to the use of anesthesia.

AMA interest

The AMA supports state medical associations' efforts to curtail lawsuit abuse.

Case summary

Maria Espinosa was scheduled for brain surgery. As part of ordinary hospital procedure, an anesthesiologist, Arturo Lorenzo, MD, examined her and determined that she was physically suited for general anesthesia. Espinosa then proceeded with her surgery. Her anesthesia during the surgery was administered and monitored by Dr. Guillermo Velasquez. Shortly before the surgery started, Espinosa's heart began to fail. This failure worsened, and she died of a heart attack while on the operating table.

Rolando P. Ruiz, the administrator of Espinosa's estate, sued Dr. Lorenzo, Espinosa's surgeons, and Dr. Velasquez. The evidence showed that Dr. Lorenzo may have been negligent in clearing Espinosa for general anesthesia during the surgery. It further showed that if he had not cleared her the surgery would not have proceeded. However, it also showed that, whether or not Espinosa was a suitable candidate for general anesthesia, her death was not connected with the anesthesia.

At the conclusion of Ruiz's case-in-chief, Dr. Lorenzo moved for a directed verdict. During arguments on the motion, the judge observed that, though Dr. Lorenzo may have been negligent, his negligence had not caused Espinosa's death. He then granted the directed verdict.

After the conclusion of the trial, the jury found in favor of Dr. Velasquez but against the surgeons. Ruiz appealed the directed verdict in favor of Dr. Lorenzo. The District Court of Appeal, by a split decision, affirmed the directed verdict.

Ruiz appealed to the Florida Supreme Court, where briefing is proceeding.

Litigation Center involvement

The Litigation Center, along with the Florida Medical Association, filed an *amicus* brief to support Dr. Lorenzo.

Supreme Court of Florida brief