

Malpractice claims: corrections

To the Editor—The authors in the Commentary “Medical malpractice: prevention is often a better strategy” in the October 2011 issue¹ would like to make two corrections.

First, the *Bolam* case was quoted under the wrong name of *Bolam v Chelsea and Kensington Hospital Management Committee* [1968] 1 QB 428.¹ It should have been *Bolam v Friern Barnet Hospital Management Committee* [1957] 2 All ER 118. In *Bolam*, McNair J enunciated the legal requirement for the standard of care in medical negligence,² which is that in accordance with a practice accepted

as proper by a responsible body of medical men skilled in the particular art. In another case, *Barnett v Chelsea and Kensington Hospital Management Committee* [1968] 1 QB 428, a watchman arrived in the Accident and Emergency nauseated after a cup of tea. The casualty doctor simply advised that he should see his general practitioner. The man died 5 hours later from arsenic poisoning. The court found that the man would have died anyway because it was too late to save him and it was not the casualty doctor’s negligence that had caused his death. The claimant thus failed to establish causation.² This

case incidentally illustrates well the point raised in the second paragraph of the article that a mere adverse outcome is not a sufficient condition for a successful negligence claim. This second case was originally in the authors' initial drafts but deletion of words due to length restrictions resulted in the erroneous hybrid name printed in the final script and the authors apologise for that.

Second, the word "tortuous" on the first line of the third paragraph on the right hand column of

page 425 should have been "tortious" (pertaining to "torts", ie wrong doing).

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References

1. Wong DS, Lai PB. Malpractice claims: prevention is often a better strategy. *Hong Kong Med J* 2011;17:425-6.
2. Wong DS. Legal issues for the medical practitioner. Hong Kong. Hong Kong University Press; 2010: 22-4,183-7.

Note from Editorial Department: This article¹ which appears on www.hkmj.org has been corrected.

Answers to CME Programme

Hong Kong Medical Journal October 2011 issue

Hong Kong Med J 2011;17:358–64

I. Colorectal cancer surgery of octogenarians in Hong Kong: who will survive?

A	1. True	2. True	3. True	4. True	5. True
B	1. True	2. True	3. True	4. True	5. True

Hong Kong Med J 2011;17:391–7

II. Menstrual disorders in a Paediatric and Adolescent Gynaecology Clinic: patient presentations and longitudinal outcomes

A	1. False	2. False	3. True	4. False	5. True
B	1. True	2. True	3. True	4. False	5. False