

# Jury Disagrees With Plaintiff's Allegation Electrophysiologist Placed Unnecessary Pacemaker

On January 29, 2016, **Clark Hudson** [1] and **Elizabeth Harris** [2] concluded a 7-day jury trial after the jury deliberated for 2 days. The case concerned a plaintiff who presented to the emergency room after he experienced 3-days of sudden syncopal episodes, with the third episode resulting in a head laceration and hematoma. While awaiting room assignment in the ER, plaintiff experienced another episode of near syncope and severe bradycardia with a documented heartrate in the 30s. The following day, the defendant electrophysiologist placed a pacemaker.

Plaintiff's main allegation was the pacemaker was unnecessary because his symptoms had a reversible cause and were the result of his new medication for chronic back pain. Further, plaintiff argued even if the pacemaker was necessary, the electrophysiologist should have offered plaintiff a pacemaker which was FDA-approved as MRI-conditional.

The electrophysiologist presented evidence showing plaintiff's symptoms were not caused by his medications, which had already cleared plaintiff's system by the time he presented to the ER. Instead, plaintiff had sick sinus syndrome, which is a serious condition and can only be treated with a pacemaker. Further, the defense argued the standard of care did not require the electrophysiologist to place an FDA-approved as MRI-conditional pacemaker and plaintiff could still safely undergo MRIs with his current pacemaker should he require them for future back surgery.

The jury agreed with the electrophysiologist that the pacemaker was indicated. However, the jury ultimately awarded plaintiff the cost of surgery to place a pacemaker which is FDA-approved as MRI-conditional.

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***Elizabeth Harris*** [2] *is an associate at Neil Dymott. Her areas of practice include civil litigation and the defense of medical professionals. For further information, Ms. Harris can be reached at (619) 238-1712 or [eharris@neildymott.com](mailto:eharris@neildymott.com).* [4]

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