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# Medical Litigations Associated with Cataract Surgery in Korea

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## ABSTRACT

**Background:** To analyze the results of court rulings about medical litigations related to cataract surgery in Korea.

**Methods:** We collected 50 anonymized judgements regarding cataract surgery between 2000 and 2016 and analyzed the reasons for the medical litigations, the court rulings, the reasons for compensation, and the amount claimed and finally awarded.

**Results:** Forty-eight litigations (96%) resulted from errors in treatment, and the reasons were as follows: endophthalmitis, dissatisfaction of visual outcome or ocular discomfort, bullous keratopathy or corneal opacity, retinal detachment, glaucoma or vitreous hemorrhage due to the progression of an underlying diabetic retinopathy, and others in order. Two litigations (4%) arose due to errors in diagnosis. Among the 50 final cases, 21 litigations (42%) were decided in favor of the plaintiff, and 29 litigations (58%) were decided against the plaintiff and dismissed. Ten cases awarded damages to the plaintiffs because of a violation of duty of care, and 11 cases awarded damages due to a violation of informed consent. When comparing cases with errors in diagnosis to cases with errors in treatment, there was no significant difference in the relative risk of a defendant's verdict ( $P = 0.503$ ). The total amount of awarded damages was KRW 439,124,496 (USD 399,204), and the average amount was KRW 20,910,690 (USD 19,010).

**Conclusion:** Nearly half of the cases were decided in favor of the plaintiff due to the violation of informed consent. This study's results will be helpful in understanding the results of medical litigations regarding cataract surgery and reducing future lawsuits.

**Keywords:** Cataract Surgery; Medical Disputes; Medical Litigations; Ophthalmology; Violation of Duty of Care; Violation of Informed Consent

## INTRODUCTION

Cataract surgery is the most commonly performed surgery in the field of ophthalmology, with more than 3 million operations per year in the United States<sup>1</sup> and over 200,000 operations per year in United Kingdom.<sup>2,3</sup> According to a survey conducted by the Korean National Health Insurance Review and Assessment Service in 2015, 346,000 cataract surgeries are performed out of 1,490,000 domestic operations per year, which means that cataract surgery is the most frequent operation undertaken in Korea not only in the ophthalmic field but also

















