

寰宇醫事裁判

石膏固定患者因肺栓塞猝死 基於開業醫師 之醫療水準判定無過失

The Patient with Plaster Fixation Died Suddenly
Because of Pulmonary Embolism,
The Physician Had No Fault for It According
to the Medical Standard

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平成17（ワ）第591號損害賠償請求事件

平成20年8月19日 仙台地方裁判所



摘要

本件患者X被診斷為右下肢阿基里斯腱斷裂，於複診時由被告Y醫師進行石膏替換。替換石膏時，患者X主訴不舒服，Y醫師診斷為「過度換氣症候群」，經施以紙袋呼吸法，患者X仍出現腹痛症狀，Y醫師遂請求救護車支援，將患者X送往仙台市立醫院急診。翌日被告死亡，死因記載為「疑似肺梗塞」。原告等人（即患者X之夫與子），主張被告Y醫師有診斷錯誤、預防血栓發

關鍵詞：肺梗塞（pulmonary embolism）、急救義務（emergency duties）、過度換氣症候群（hyperventilation syndrome）、診斷錯誤（diagnosis error）、醫療水準（medical standard）

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Angle

生之注意義務與急救義務的違反，向被告提出損害賠償之請求。

The patient X was diagnosed with Achilles' tendon on her right leg and the plaster was replaced by the physician Y as the accused during the referral. Meanwhile, the X expressed uncomfortable and was diagnosed with "hyperventilation syndrome" by the Y. After taking paperbag rebreathing, the X still had abdominal pain and was sent to Sendai Municipal Hospital as an emergency after the Y called an ambulance. The X was still dead in the next day and the suspicious reason was "pulmonary embolism." The plaintiffs i.e. the husband and the son of the X complained for a compensation that the Y had diagnosed wrongfully and obeyed the duty to prevent thrombosis and emergency duties.

壹、事實概要

一、事件概要

患者X（當時39歲）於2004年6月7日至被告Y醫師（主治醫師兼經營者）之骨科醫院就診，被診斷為右下肢阿基里斯腱斷裂，經說明後患者X選擇保守治療，從右膝上方至患部以長石膏固定。同年6月25日患者X複診，被告Y醫師於17時15分左右開始為患者X進行石膏替換，改為從膝部到足指部位之輕度屈曲位。當被告Y醫師切除石膏欲進行替換之際，患者X主訴「覺得不舒服」。被告Y醫師讓患者X躺在床上，並告知此症狀應為「過度換氣症候群」（hyperventilation syndrome），於18時左右實施紙袋呼吸法；18時10分左右患者X出現腹痛症狀，被告Y醫師指示進行Bosmin 1 A和Cercine 1/2 A的皮下注射；18時22分被告醫院請求救護車支援，18時27分救護車抵達