



SKIN CANCER (OTHER THAN MELANOMA)

ANALYSIS OF JUDICIAL PRECEDENTS CASES REGARDING SKIN CANCER FROM 1997 TO 2017 IN REPUBLIC OF KOREA

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Introduction: Both medical disputes and the incidence of skin cancer are increasing in Korea.

Objective: To figure out the medical litigation related to skin cancer and propose a method to prevent the medical disputes.

Materials and Methods: Skin cancer-related judgments were searched by The Supreme Court of Korea's Written Judgment Management System based on the keywords for skin cancer. The search system included sentenced cases at the Lower Courts, the Appellate Courts, and the Supreme Court from 1997 to 2017.

Results: Seven cases were selected as the litigation cases related to skin cancer. Four cases (57.1%) presented malignant melanoma, while the rest presented squamous cell carcinoma, metastatic skin cancer, and peripheral T cell lymphoma (1 case in each). Four cases resulted in death from cancer metastasis, and 3 cases presented as sequelae. The legal issues related to the medical disputes could be categorized as follows: misdiagnosis, delayed diagnosis, performance error, and lack of informed consent. Delayed diagnosis and lack of informed consent were the most common issues (n=4) in the precedents. Five cases (71.4%) were sentenced the awarded amounts to the plaintiff, including 2 cases of settlement decision. The average awarded amount was 42,553,644 ± 27,567,455 Korean Won (About 40,000 ± 25,000 US Dollar).

Conclusions: Physicians should pay attention to the cases of the skin cancer to prevent medical malpractice and disputes. The practices pertaining to proper diagnosis, treatment plans, and obtaining an informed consent should be followed during the course of treating skin cancer.

