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\*I have no financial interests or relationships to disclose.

- 35 y.o. woman, Physician
- VOD 20/20 –4.00 D
- VOS 20/20 –4.00 D
- OU successful LASIK

All went well for two years, then...

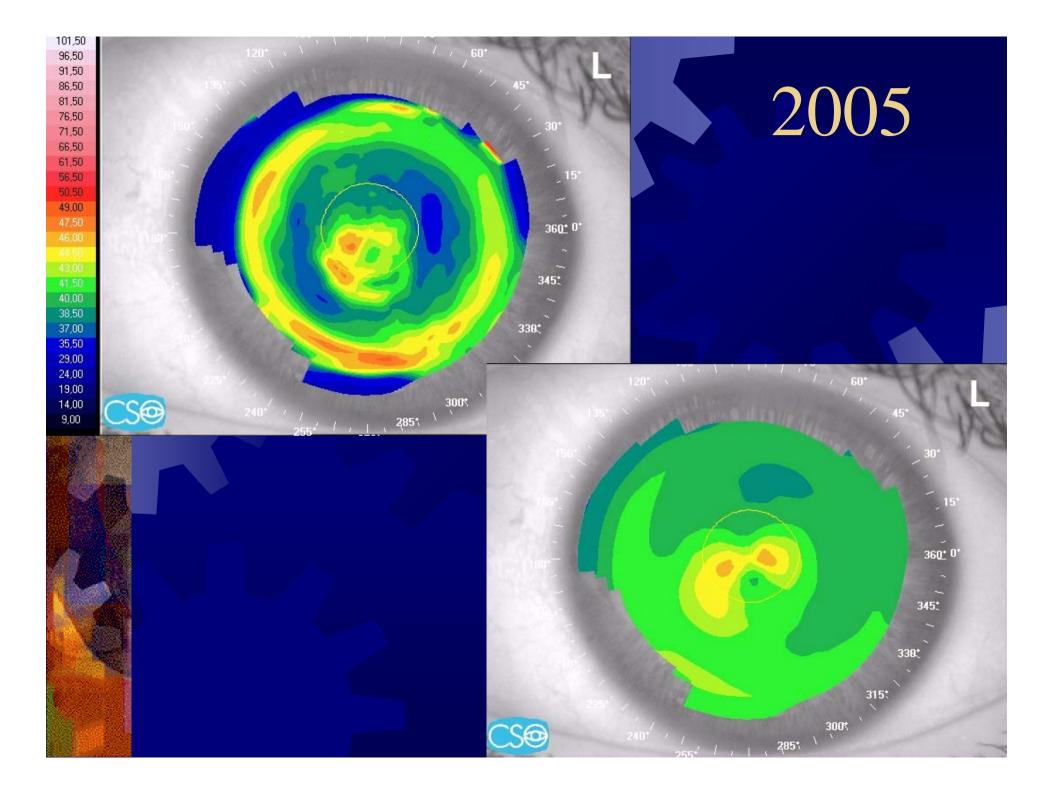
Progressive decrease in VA, with return to spectacle use.

- VOD 20/25 –0.75 –1.00 (65)
- VOS 20/35 −1.50 −3.25 (110)

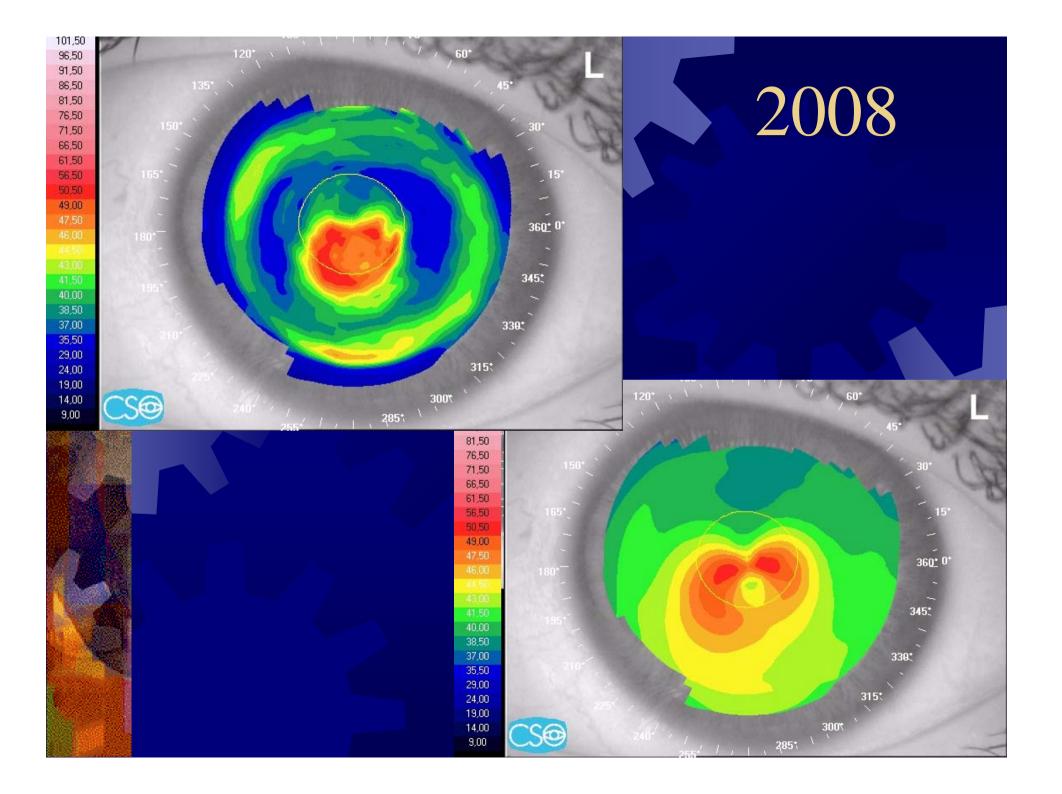
#### Pentacam:

- 2nd order topographical astigmatism
- Normal pachimetry
- OD 12 mu suspect elevation on altimetric map

Contact lens correction



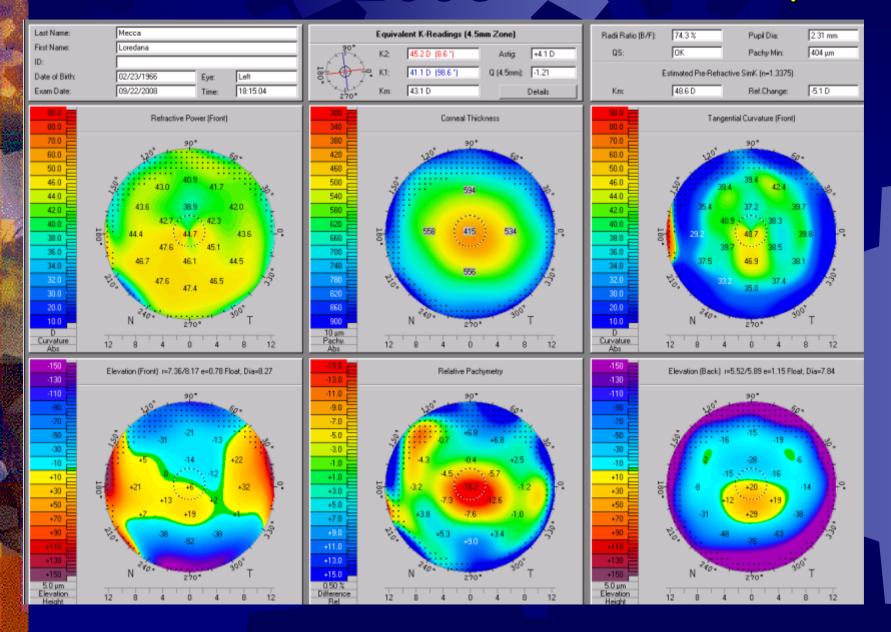
- ●VOD 20/30 –3.00 –3.75 (80)
- ●VOS 20/40 –2.75 –3.75 (95)
- OO apparent central corneal thinning
- •LAC withdrawal
- Pentacam
- **©OPD**



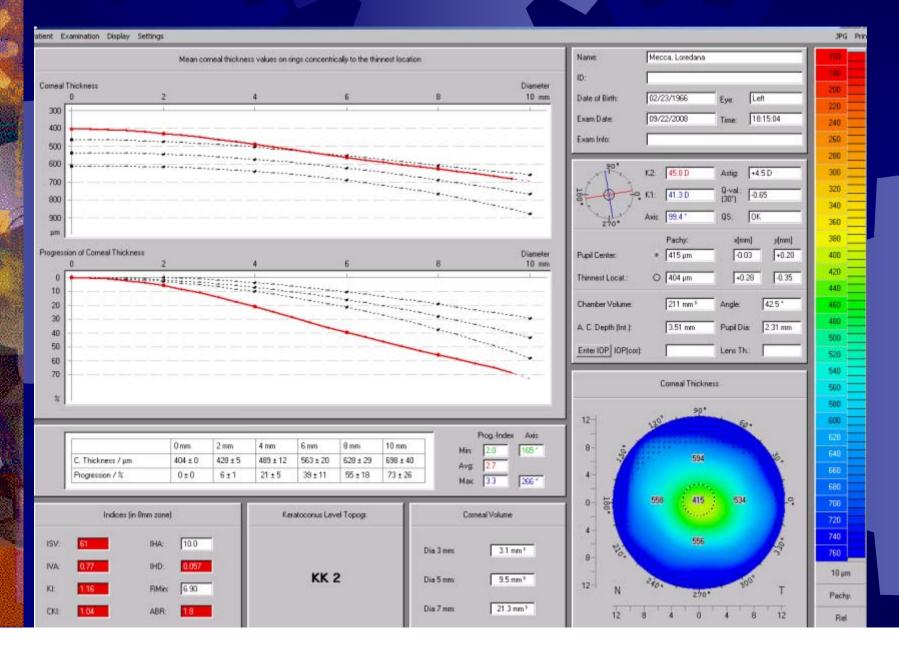
#### LE

#### 2008

#### $404 \mu$



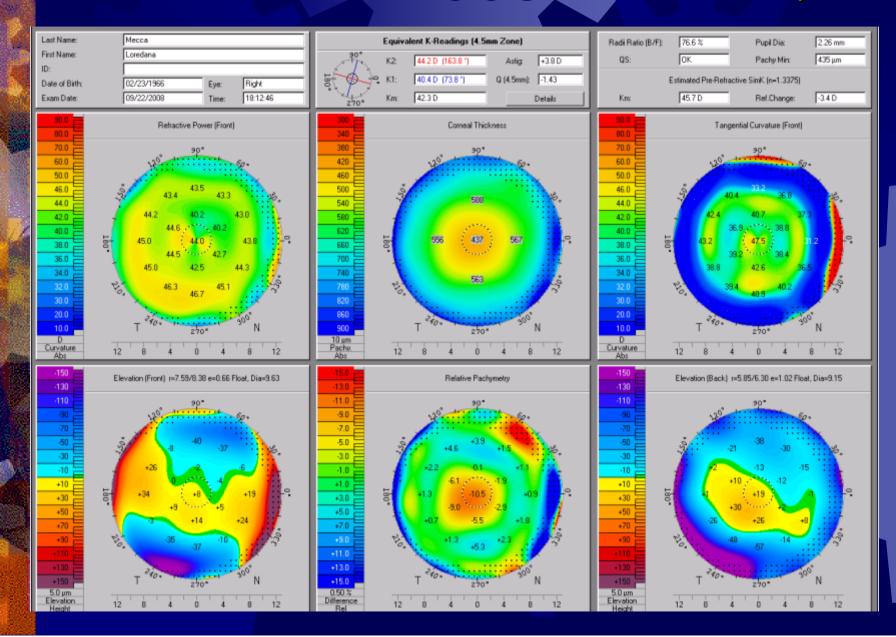
#### LE 2008



RE

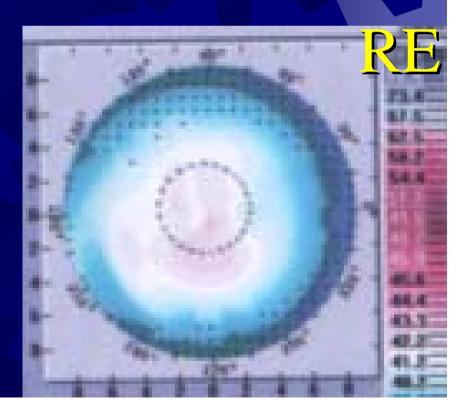
#### 2008

#### 435 μ

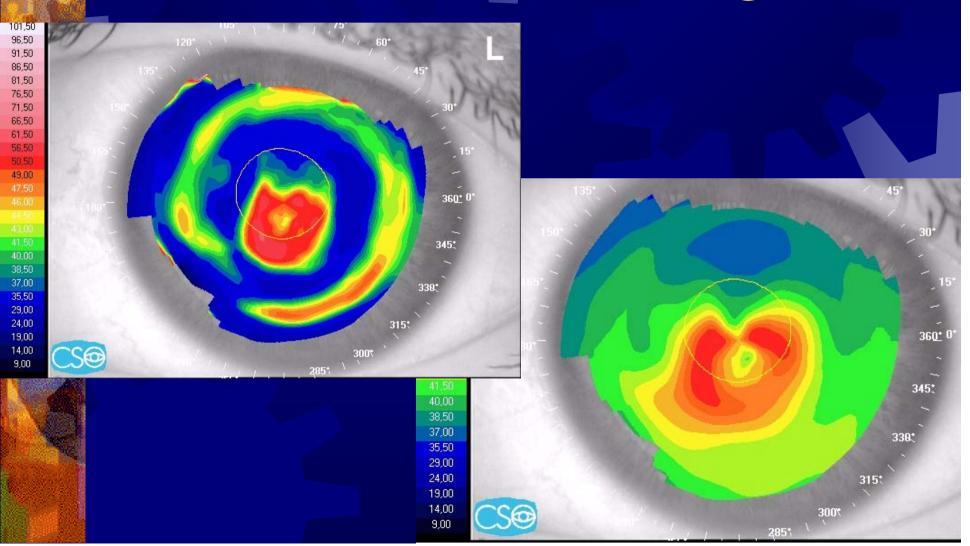








# Future PK Candidate? No... Cross Linking!





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#### Refractive Surgery Patients

- a very special breed
- minor refractive defects may not be considered a disease
- thus, at times we may not be perceived as physicians treating an illness
- just providers of better life quality...
- ...or simply providers of a service ?

#### Refractive Surgery Patients

- LASIK:
  - portrayed as a nonessential cosmetic surgery
  - performed as a business
  - not a medical procedure

#### Abbott RL,

Medical malpractice predictors and risk factors for ophthalmologists performing LASIK and photorefractive keratectomy surgery *Ophthalmology, 2003 Nov; 110* 

#### Selection – Eye...

- exaustive evaluation of ocular health
- exclusion of:
  - defects beyond successful treatment range
  - forme-fruste keratoconus
  - unstable refractive defect
  - ocular diseases
  - etc....

#### ...Patient Selection!

- lifestyle
- profession
- why do you want refractive surgery?
- expectations
- satisfaction with possible residual defect
- "enhancements"
- patience

- •...just talk with the patient, get to know him, if in doubt meet another time and talk again
- limited time spent with patients may mean more lawsuits

Abbott RL, Ophthalmology, 2003; 110 Levinson V, JAMA, 1997; 154

Abbott RL, Ophthalmology, 2003; 110

- The chances for incurring in a malpractice claim or lawsuit correlate significantly with:
  - High surgical volume (> 100/yr)
    - Physician gender (male)
    - Aggressive marketing
    - Time spent with the patient (55 min or <)</p>
    - Comanagement with optometrists
  - History of a claim or lawsuit

Hickson GB, JAMA, 2002; 287

- The physician's ability to:
  - Establish rapport with patient
  - Provide access to patient
  - Communicate effectively with the patient
- ...are as important as technical competence in protecting against litigation

- The odds of a lawsuit increase because the probability of at least one patient being dissatisfied sufficiently to sue increases with the number of surgeries performed
- Furthermore, findings did not imply that high volume surgeons provide inferior care, but that they can expect more liability claims

Abbott RL, Ophthalmology, 2003; 110 Mutti DO, Ophthalmology, 2004; 111 Lindstrom R, Ophthalmology, 2004; 111

- Informed Consent
  - In Italy the same standardized informed consent is used throughout the nation
  - In Italy all Ophthalmologist member of S.O.I. (5 out of 6) share the same insurance company
  - Always give a copy to the Patient

- Informed Consent
  - Patient writes personally that he has understood about possible residual refractive defect and halos
  - Patient fills personally a questionnaire about IC key statements

#### Treatment

- Visual examination immediately prior to surgery
- Exclusion of patients with incurring infective diseases (i.e, flu, herpes)
- Check comprehension of refractive surgery goals
- Check comprehension of treatment
  - (analgesical prescribed, pharmacist sold per os drops ... patient instilled !!!)

#### Treatment

- careful monitoring of excimer/femtosecond laser status
- standardized surgical procedures
- obsessive attention to details
  - Call the patient by name before and during surgery
  - Check that she/he knows which eye is going to receive surgery first

#### Follow-Up

- define and share all follow-up intervals
  - $\mathfrak{S}(1, 3, 6, 12 \text{ mos})$
- check constant use of lubricants
- be careful in verbalizing or showing your feeling about an imperfect result
  - -0.50 sph residual may be OK for the Pt
  - But... if you look unhappy, she/he will become unhappy
  - -0.50 sph residual may be very handy... when one becomes presbyopic: prolonged spectacle independence

# ...And, Despite All Your Efforts, There You Are: In Court!

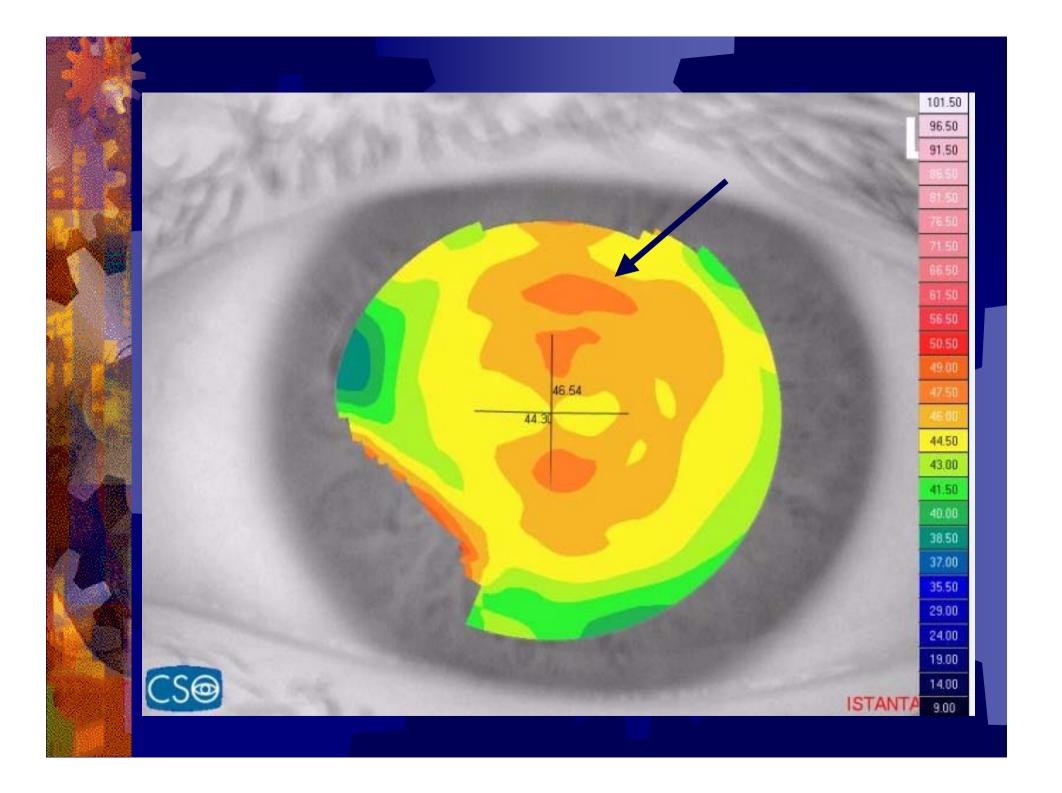
- 2000-2004: in Italy, Refractive Surgery was provided by the National Health Service
- PRKs in the hundred of thousands
- Our Institution: more than 5,000 PRKs
- Personal experience: more than 1,500 PRKs
- Surgery on patients never seen before or after
- One lawsuit ...

#### ...And, Despite All Your Efforts, There You Are: In Court!

- "Free" NHC-provided treatment distorted the perception of refractive disease
- Business pressure ...
- Treatment was perceived as:
  - An occasion to save money
  - Entitlement
  - Recommanded when refractive defect was present
  - Essential for aesthetic improvement

#### One Case in Court

- 32 y.o. woman
- VOD 0.95 –7.50 –2.50 (10)
- VOS 0.9 –7.75 –2.25 (5)
- In LE astigmatic bow-tie was highly <u>asymmetric</u>, with marked curvature in the upper portion (47 D)
- Possible forme-fruste keratoconus and stability of defect studied 1997-2001, then OK for refractive surgery was provided
- In 2001 astigmatism correction with excimer laser was possible only with symmetrical corneal remodelling
- symmetrical corneal remodelling on an asymmetrical cornea lead to a postoperatively asymmetrical cornea

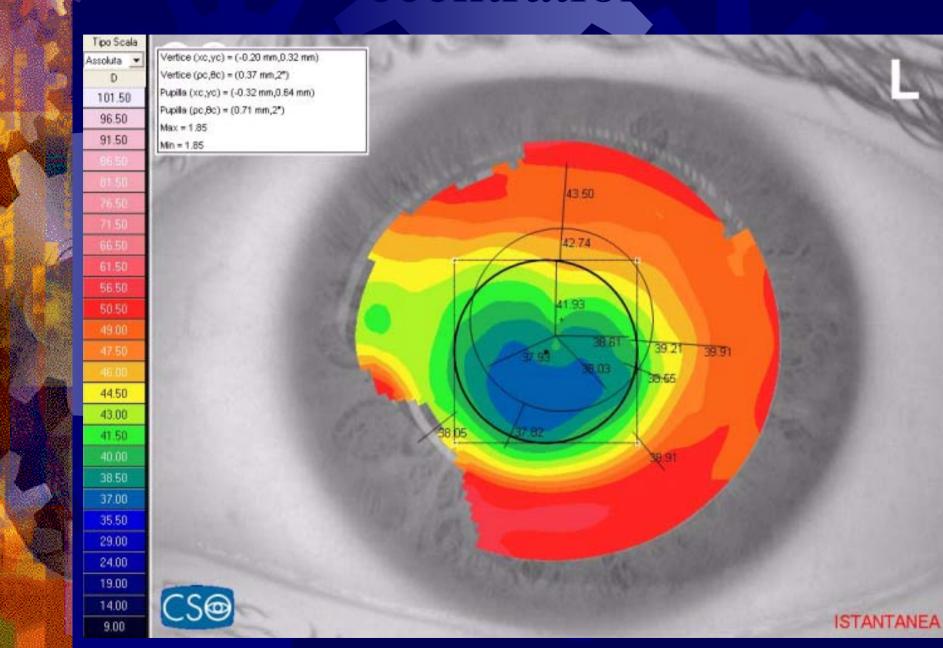


#### One Case in Court

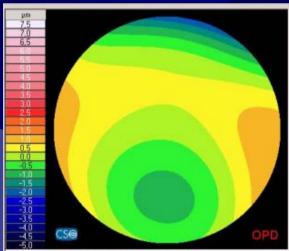
- **16.01.01 PRK in RE (AP), 23.01.01 PRK in LE (FIC)**
- **02.04.01**:
  - ♥ VOD 0.9 –0.75 (180)
  - ♥ VOS 0.9 +1.00 −1.00 (175)
- Then Pt disappeared for 5 delicate months.
- **30.10.01** 
  - **VOD** 1.0 plano
  - ♥VOS 0.4 plano, 0.7 +1.50 −2.50 (180)
- AS: RE haze 0.5 -1, LE haze 1.5-2.0 inferiorly
- Treated with steroids, then simply followed
- **07.07.03** 
  - ♥VOD 1.0 plano, 1.0 +0.25 cycloplegia
  - ♥VOS 0.95 plano, 0.85 +2.75 cycloplegia
- AS: OD normal, LE haze 1 –2 inferiorly, crescent-moon shaped, optical zone preserved

#### Decentration? Restricted optical zone 96.50 91.50 44.50 43.00 41.50 38.50 37.00 35.50 29.00 24.00 19.00 14.00

#### Decentration

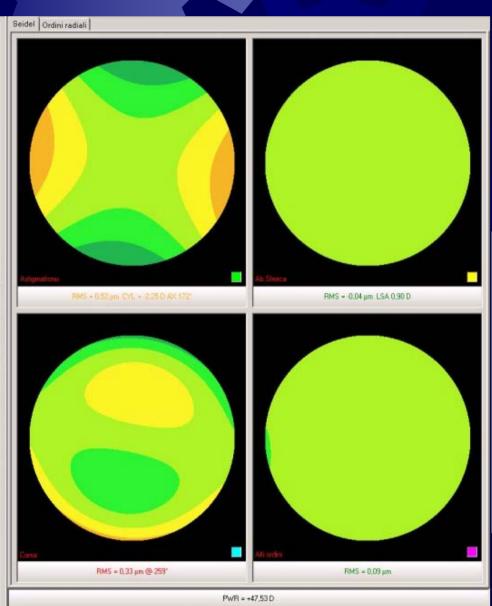


#### Aberrations



RMS = 1,95  $\mu$ m Ø = 3,00 mm

	Descrizione	Valore (RMS)	Fondoscala = 0,57
Z[0,0]	Pistone	-1,09 µm	
Z[1,±1]	Tilt	1,34 µm @ 263*	
Z[2,±2]	Astigmatismo	0.52 µm @ 172°	
Z[2,0]	Defocus	-0,65 µm	
Z[3,±3]	Tritoglio	0.08 µm @ 118°	
Z[3,±1]	Coma	0,33 µm @ 259°	
Z[4.±4]	Quadrifoglio	0.02 µm @ 78°	
Z(4,±2)	Astigmatismo II	0,03 µm @ 101°	0
Z(4.0)	Ab.Sterica	-0.04 μm	
Z[5,±5]	Pentaloglio	0.01 µm @ 7°	
Z(5.±3)	Tritoglio II	0.01 µm @ 41°	0
Z[5,±1]	Coma II	0,01 µm @ 158°	
Z(6.±6)	Esafoglio	0,01 µm @ 25°	
Z[6,±4]	Quadrifoglio II	0,01 µm @ 39°	0
Z(6.±2)	Astigmatismo III	0.00 µm @ 7°	0
Z[6,0]	Ab. Sterica II	0,00 µm	
Z[7,±7]	Eptatoglio	0.01 µm @ 13°	0
Z[7,±5]	Pentaloglio II	0,00 µm @ 4*	0
Z(7.±3)	Trifoglio III	0.00 µm @ 81°	0
Z[7,±1]	Coma III	0,00 µm @ 65°	



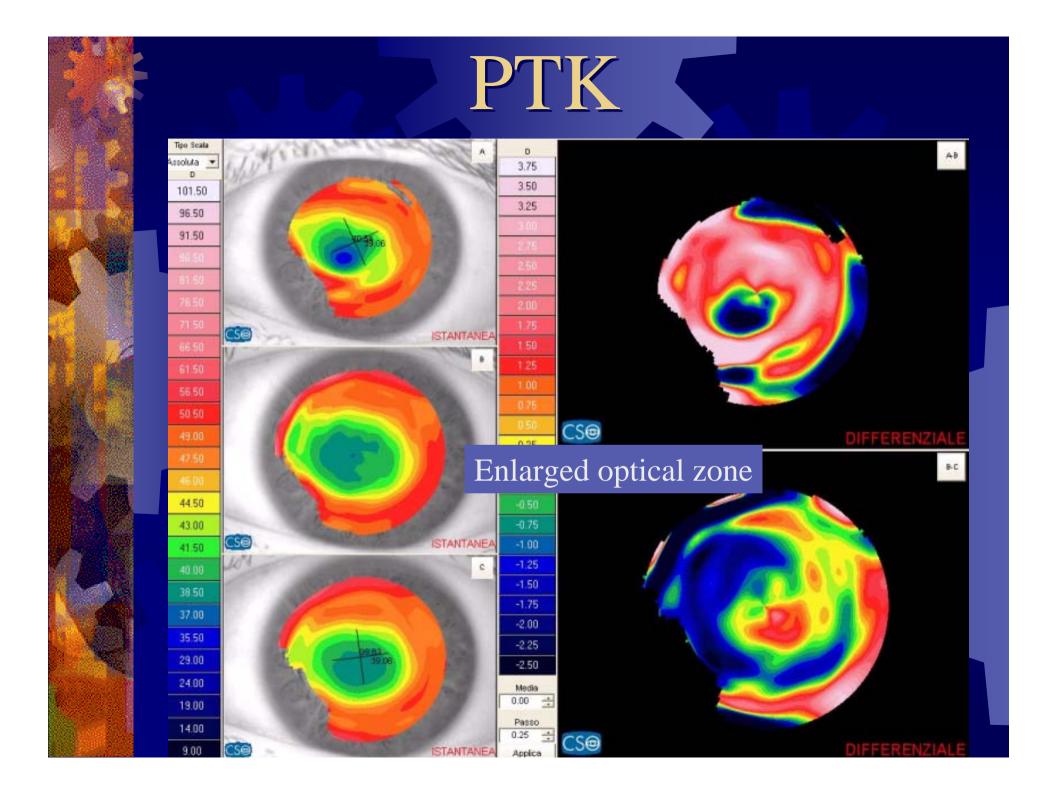
Tilt RMS = 1,34 µm @263' -0,18 Dp

#### One Case in Court

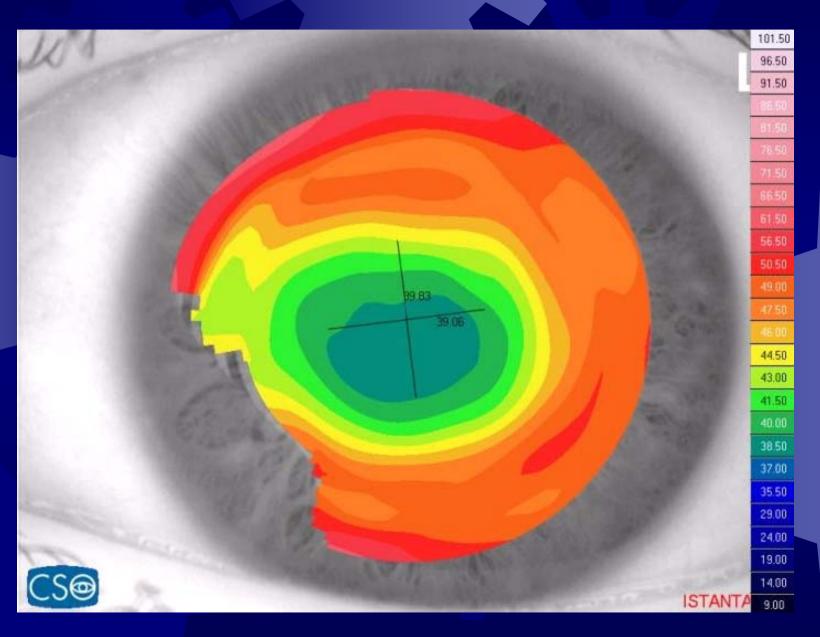
- High preoperative corneal curvature and asymmetry + no-show and consequent inadequate therapy, resulted in increased collagen deposition with consequent restriction of optical zone
- Possible intraoperative head tilt
- Decentration and hypercorrection
- Patient complained of fatigue in near vision and fluctuating visual acuity
- Follow-up was tight, totally free and supportive for1.5 yrs
- Waited for the availability of custom ablation

#### One Case in Court

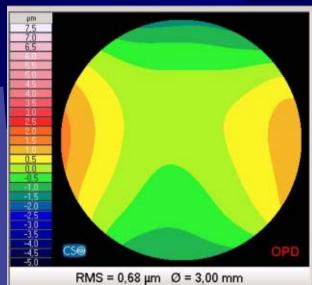
- 16.07.03: Pt underwent customized PTK with NIDEK EC 5000
- **04.09.03** VOS 0.95 plano, NV I DW +1.50
- PTK eliminated optical zone restriction and reduced haze
- Pt interrupted follow-up and filed suit...



# Post - PTK



#### Aberrations - Postop



Z[0,0]	Pistone	0.17 µm	
Z[1,±1]	Tilt	0,34 µm @ 267°	
Z[2,±2]	Astigmatismo	0.55 µm @ 177°	
Z[2,0]	Defocus	0,04 µm	
Z(3,±3)	Tritoglio	0.03 µm @ 74°	
Z[3,±1]	Coma	0.09 µm @ 238°	
Z[4,±4]	Quadrifoglio	0.01 µm @ 6 <sup>+</sup>	
Z[4,±2]	Astigmatismo II	0,00 µm @ 163°	
Z(4.0)	Ab.Sterica	-0.04 μm	
Z[5,±5]	Pentaloglio	0.02 µm @ 21°	
Z(5.±3)	Tritoglio II	0.00 µm @ 28°	0
Z[5,±1]	Comall	0,01 µm @ 58°	
Z[6.±6]	Esafoglio	0,02 µm @ 27°	ii)
Z[6,±4]	Quadrifoglio II	0,01 µm @ 53°	D
Z[6.±2]	Astigmatismo III	0.00 µm @ 48°	0
Z[6,0]	Ab. Sterica II	0,00 µm	
Z[7,±7]	Eptatoglio	0.02 µm @ 23°	0
Z[7.±5]	Pentaloglio II	0,01 µm @ 20°	D

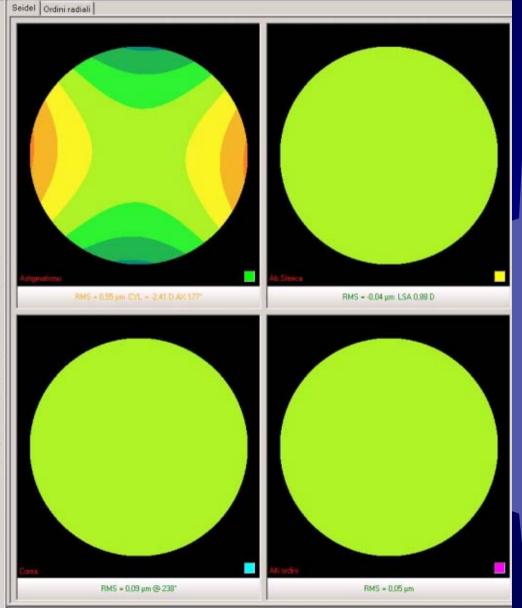
0.01 µm @ 51°

0,01 µm @ 223"

Tritoglio III

Come III

Descrizione Valore (RMS)



#### One Case in Court

- © 09.01.08. Medico-Legal evaluation, Ophthalmological Consultant for the Judge:
  - VOS 0.85 plano, 1.0 +0.75
  - AS LE small paracentral corneal opacity
- **©**Consultant's Conclusions:
  - Correct information
  - Correct surgical technique in PRK and PTK
  - .... Known possible complication of PRK
    - No functional damage
    - 1- 1.5% biological damage
- Waiting for the Judge now...

#### Conclusions

- Always show attention and dedication
- Have a positive attitude, but...be cautious
- Never promise too much
- Surgeons must strive to develop the strongest doctor/patient relationship possible with their patients

(Lindstrom R, Ophthalmology, 2004; 111)

Thorough and obsessive documentation

#### You Can't Fix Crazy

Schizophrenia:	1.3%
■ Bipolar:	1.2%
Panic Disorder: 🜟	1.7%
Obsessive Compulsive Disorder: **	2.4%
Generalized Anxiety Disorder: **	2.8%
Depression: **	5.3%
Borderline Personality Disorder	2.0%
Alcoholism **	<u>5.5%</u>



Total 22.2%

(significant overlap, so not really)

Some patients will never be happy

From National Institute of Mental Health

Courtesy of Stephen Dell, MD