Hospital trust prosecuted for not supervising junior doctors

Clare Dyer *legal correspondent, BMJ*

A UK hospital trust faces a potentially large fine after pleading guilty to failing to properly supervise two junior doctors whose gross negligence led to a patient's death. The judge overseeing the case, thought to be the first of its kind, said that it had implications for the whole NHS.

Southampton University Hospitals NHS Trust admitted that it had not adequately managed two senior house officers, Amit Misra and Rajeev Srivastava, who were working at Southampton General Hospital in June 2000 when Sean Phillips, aged 31, died of staphylococcal toxic shock syndrome.

A spokesman for the Crown Prosecution Service (CPS) said that he believed it was the first time that an NHS trust had been prosecuted under the Health and Safety Act for the way junior doctors were managed.

Mr Phillips, who had been admitted for a routine knee operation, developed a bacterial infection, which the two doctors failed

to diagnose and treat. They were working in the trauma and orthopaedic department.

The two were convicted of gross negligence manslaughter at Winchester Crown Court in 2003 and given 18 month prison sentences suspended for two years. In 2005, the General Medical Council suspended Dr Misra, now 35, for a year and Dr Srivastava, aged 40, for six months.

Last week at Winchester Crown Court, the trust pleaded guilty to an amended charge concentrating only on the supervision of the doctors, in a plea bargain which avoided a costly six week trial. The prosecution agreed to drop other allegations of failing to take up a reference for Dr Misra, failing to implement a system of ward rounds, failing to have proper handover meetings for staff, and failing to encourage nursing staff to report concerns.

Judge Michael Brodrick said that the case had implications for the whole NHS. Sentencing will take place on April 10.

Ian Martin, lead clinical coordinator for the National Confidential Enquiry into Patient Outcome and Death (NCE-POD), said, "Not all patients need to be seen by a consultant, but it is the responsibility of the consultant to ensure that trainees only work within their

own level of competence and know when to seek the advice of a senior colleague.

"These problems cannot be addressed by individual doctors, but require careful planning by clinical teams, trusts, and in some cases strategic health authorities."

It is the responsibility of consultants to ensure that trainees only work within their own level of competence, said a spokesman for the National Confidential Enquiry into Patient Outcome and Death

Surgery journal bans authors who hide conflicts of interest

Susan Mayor *London*

The *Journal of Thoracic and Cardiovascular Surgery* has announced that it will ban authors who deliberately fail to disclose any conflicts of interests from publishing again in the journal for at least a year, in an effort to emphasise how important it considers full disclosure.

The journal's editor, Andrew Wechsler, who is also chairman of the department of cardiothoracic surgery at Drexel University College of Medicine, Philadelphia, United States, has decided that any authors who are found to have failed to disclose conflicts

of interests will be barred from publishing in the journal for one to two years, depending on the seriousness of the failure.

The journal announced the measure after finding that authors of two papers published last year had failed to disclose a potential conflict of interest. In one case, it found that Dr Randall Wolf, a surgeon at the University of Cincinnati, had not fully disclosed the financial associations that he had with AtriCure, a company that makes a system to treat atrial fibrillation, which had shown favourable results in the paper.

Dr Wolf included with the paper that he authored a disclosure to the journal stating that he and two coauthors had received educational grants from AtriCure and that these grants were not used to fund the research, according to Dr Wechsler. In an article in the *Wall Street Journal* (28 December 2005) a journalist, David Armstrong, reported that Dr Wolf "has lucrative ties to AtriCure."

He reported that an AtriCure filing in August 2005 with the Securities and Exchange Commission, the agency responsible for administering federal securities laws in the US, reported that Dr Wolf owned 18 402 shares of company stock and had warrants or options to purchase 13 913 additional shares of stock. The AtriCure

filing has been seen by the *BMJ*.

When the journalist alerted Dr Wechsler to the issue, he said that Dr Wolf had not disclosed his stock options with AtriCure when he submitted his study to the journal.

To deter authors from failing to disclose conflicts of interest, Dr Wechsler introduced a new form that asks authors specifically about a range of potential conflicts of interest, in addition to introducing the ban on publishing again in the journal. "Depending on the seriousness of the failure to disclose, authors won't be able to publish again in the journal for one to two years," Dr Wechsler explained.

Dr Wolf was asked to comment, but no reply was received by the time the *BMJ* went to press.