

Special Feature

Should medical accidents be judged in criminal court?—Establishing a new patient safety system in Japan

The Case of Fukushima Prefectural Ono Hospital

Chronological List of Events

The overview of the case

On March 10, 2006, Dr. Katsuhiko Kato was indicted by Fukushima District Court on charges that (1) in December 2004 at the Fukushima Prefectural Ono Hospital, when performing a cesarian section on a patient (age 29) with total placenta previa and a history of one previous cesarian section, he was aware that during placental detachment the placenta was adhered to the uterus and, despite the risk of massive bleeding if the placental detachment were continued, did not immediately stop the placental detachment and switch to hysterectomy but instead continued the placental detachment, causing massive bleeding which resulted in the patient's death; and that (2) following the patient's death, he failed to report the death to the police station with jurisdiction within 24 hours of the death, despite a post-mortem examination finding abnormalities.

The progress of medical events

December 17, 2004

13:30	The patient entered operating room
14:02	Anesthesia started
14:26	Operation started
14:30 (approximately)	The patient "felt unwell (+)"
14:37	Infant was delivered
14:40	Total volume of bleeding (including amniotic fluid): 2,000 mL
14:40 (approximately)	Placental detachment started
14:50	Placenta was delivered
14:52–14:53	Total volume of bleeding (including amniotic fluid): 2,555 mL
14:55	Transfusion of the prepared blood (concentrated red cells, 1,000 mL) started
15:05–15:10	Total volume of bleeding (including amniotic fluid): 7,675 mL
15:10	First administration of blood products (concentrated red cells)
15:20	Patient's systolic blood pressure was 60–70mmHg; diastolic blood pressure was 30 mmHg and below; heart rate was 120 bpm and above, occasionally exceeding 130 bpm; in-hospital supply of fresh blood (3,000 mL) was secured
15:30	Second administration of blood products (concentrated red cells)
15:30–15:35	Converted from local to general anesthetic
15:45	Third administration of blood products (platelets)
15:50	Fourth administration of blood products (FFP)
16:25	4,000 mL concentrated red cells arrived

16:30	Awaiting the arrival of blood for transfusion, hysterectomy started
17:00	Fifth administration of blood products (concentrated red cells and FFP)
17:22	Ten units of FFP arrived
17:30 (approximately)	Hysterectomy was completed
17:45	Blood test results showed that the hemoglobin concentration of blood (Hb value) was 7.4 g/dL
18:05	Ventricular fibrillation
19:01	The Patient died

The progress of legal events

2004	Dec 17	The patient died
2006	Feb 18	Dr. Kato was arrested
	Mar 10	Indictment
	Mar 14	Released on bail
	Apr 14	The Tomioka Police Station received a commendation from the Fukushima Prefectural Police Department
	Jul 21	The 1st pretrial arrangement proceeding at Fukushima District Court
	Dec 14	The 6th pretrial arrangement proceeding at Fukushima District Court
2007	Jan 26	The 1st public trial at Fukushima District Court (criminal court; 14 public trials were held before court reached its decision, generally 1 time on a month)
2008	Aug 20	The 14th public trial at Fukushima District Court (criminal court; judgment of not guilty)
	Sep 4	The judgment of not guilty became final