

KRISTIN L. BECK and	:	IN THE COURT OF COMMON PLEAS OF
JAMES L. BECK, JR.,	:	LYCOMING COUNTY, PENNSYLVANIA
Petitioner	:	
	:	
vs.	:	NO. 01-00,354
	:	
SUSQUEHANNA HEALTH SYSTEMS,	:	
THE WILLIAMSPORT HOSPITAL,	:	
LOYALSOCK FAMILY PRACTICE, and	:	
ELIZABETH E. ANDERSON,	:	
Respondent	:	1925(a) OPINION

Date: June 10, 2003

OPINION IN SUPPORT OF THE ORDER OF APRIL 11, 2003 IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE

Petitioners Kristin L. Beck and James L. Beck, Jr. (“Becks”) have appealed this Court’s April 11, 2003 Opinion and Order. Respondents Susquehanna Health Systems *et al* filed a Motion for Summary Judgment on February 5, 2003. The motion asserted that Becks failed to establish a *prima facie* case of medical negligence because they did not present sufficient expert testimony relating to the insertion of a Foley catheter into Plaintiff Kristin L. Beck when she was giving birth to a child. The Court granted the summary judgment motion dismissing the medical negligence claim in the April 11, 2003 Opinion and Order.

On May 27, 2003, Becks filed a Statement of Matters Complained of on Appeal. It was filed in response to the Pa. R.A.P. 1925(b) Order issued by this Court on May 12, 2003. Upon reviewing the Statement of Matters, this Court believes that the matters raised have been addressed by this Court’s Opinion and Order of April 11, 2003.

Briefly summarizing that Opinion this Court found the undisputed facts demonstrated that the insertion of a Foley catheter may be a simple medical procedure, but it still requires a certain level of knowledge and expertise to perform. Expert testimony would be

required in the case *sub judice* to establish a *prima facie* case, because knowledge regarding the proper insertion of a Foley catheter and associated complications would be beyond the pale of an ordinary layperson's knowledge.

The statement by Dr. Rockoff that Kristin Beck suffered "a traumatic urethral injury from inadvertent (sic) Foley balloon inflation in the urethra" is insufficient to establish that the care rendered fell below the standard of care. It is unclear what is meant by an "inadvertent Foley balloon inflation in the urethra." It is possible that what Dr. Rockoff intends by this statement is to conclude that the Foley catheter was not properly inserted. It is also possible that Dr. Rockoff merely was commenting on the fact that the Foley catheter would normally not be in that position. The uncertainty demonstrates that the opinion of Dr. Rockoff does not rise to the requisite level of medical certainty that is needed to establish that the care fell below the standard. As such, Becks failed to establish a *prima facie* case of medical malpractice and granting summary judgment was appropriate.

Accordingly, this Court believes the appeal should be dismissed and the Court's Opinion and Order of April 11, 2003 affirmed.

BY THE COURT,

William S. Kieser, Judge

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Judges
Christian Kalas, Esquire
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