

## Patient Safety Tip of the Week

July 9, 2024

### Overlapping Surgery Proves Costly

We’ve argued the many issues surrounding overlapping surgery in our many columns listed below. Now, overlapping surgery has proved very costly to a renowned Texas cardiac surgery center. The Department of Justice announced that Baylor St. Luke’s Medical Center (BSLMC), Baylor College of Medicine (BCM) and Surgical Associates of Texas P.A. (SAT) have jointly agreed to pay \$15 million to resolve claims they billed for concurrent heart surgeries in violation of Medicare teaching physician and informed consent regulations ([DOJ 2024](#)).

The investigation began in 2019 after a whistleblower complaint that 3 surgeons routinely performed multiple procedures simultaneously over a 7-year period from 2013 through 2020. The suit alleged the surgeons often ran two operating rooms at once and failed to attend the surgical “timeout” in some cases. Additionally, surgeons would allegedly enter a second or occasionally a third operation without designating a backup surgeon. It also alleged the surgeons falsely attested on medical records they were physically present for the “entire” operation and that medical staff did not inform patients the surgeon would be leaving the room to perform another operation.

The Washington Post notes that, while the federal investigation focused on three doctors, the complaint alleges that at least 10 other cardiovascular surgeons at Baylor engaged in varying levels of surgery overlaps “as a standard practice” ([Somasundaram 2024](#)).

The \$15 million recovery is the largest settlement to date involving concurrent surgeries. The whistleblower apparently will receive about \$3 million from the settlement.

We hope that hospitals performing or considering overlapping surgery review our [“Overlapping Surgery Checklist”](#). That checklist contains many items that hospitals often fail to consider in their decisions to allow overlapping surgery. Also, our December 19, 2017 Patient Safety Tip of the Week [“More on Overlapping Surgery”](#) had our detailed comments on the following considerations for overlapping surgery:

- The “Critical Part of the Surgery”

- Timeouts
- Post-Procedure Debriefing
- The Pre-op “Huddle”
- Duration of surgery
- Other Infection Control Issues
- Definition of “Immediately Available”
- Multitasking
- The educational/training mandate
- The Ethical Issue(s)
- Who Should Be Allowed to Perform Overlapping Surgery?
- Monitoring Overlapping Surgery

It’s obvious we are not fans of overlapping surgery. We recognize that part of our job in teaching hospitals is to train surgeons and other physicians to be able to practice independently. That obviously requires graded autonomy. But the issue comes down to transparency. If a patient is expecting that the attending surgeon will be performing the entire surgery or at least be present in the OR for the entire surgery, the informed consent must clearly specify anything to the contrary.

**See our previous columns on double-booked, concurrent, or overlapping surgery:**

- November 10, 2015 “[Weighing in on Double-Booked Surgery](#)”
- November 29, 2016 “[Doubling Down on Double-Booked Surgery](#)”
- December 13, 2016 “[More on Double-Booked Surgery](#)”
- May 2017 “[The Concurrent Surgery Debate Continues](#)”
- December 19, 2017 “[More on Overlapping Surgery](#)”
- March 12, 2019 “[Update on Overlapping Surgery](#)”
- December 3, 2019 “[Overlapping Surgery Back in the News](#)”
- April 2022 “[Overlapping Surgery Back in Focus](#)”

And our “[Overlapping Surgery Checklist](#)”

## References:

DOJ (Department of Justice). Texas medical center institutions agree to pay \$15M record settlement involving concurrent billing claims for critical surgeries. Press Release U.S. Attorney's Office, Southern District of Texas 2024; June 24, 2024  
<https://www.justice.gov/usao-sdtx/pr/texas-medical-center-institutions-agree-pay-15m-record-settlement-involving-concurrent>

Somasundaram P. Heart surgeons left ‘unqualified’ trainees alone during operations, DOJ says. Washington Post 2024; June 27, 2024

<https://www.washingtonpost.com/nation/2024/06/27/texas-baylor-surgeons-concurrent-surgeries/>



<http://www.patientsafetysolutions.com/>

[Home](#)

[Tip of the Week Archive](#)

[What's New in the Patient Safety World Archive](#)