

A Sleep Prevention Device for Anesthesiologists

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A Tel Aviv court on May 2009 sentenced an anesthesiologist convicted of manslaughter in the death of a toddler to a record eight years in prison.

Neta-Li Borosky was 3 when she died in June 2005 during an operation to correct crossed eyes.

The eight-year sentence is the heaviest ever imposed on a doctor in Israel for medical malpractice. The surgeon was convicted of negligence and sentenced to four months' community service and a five-month suspended sentence.

During the operation, Dr. Svetlana Rousso-Lupo gave the child too much anesthesia and turned off the volume on a monitor that would have alerted medical staff that Borosky was in trouble. The Tel Aviv District Court stated in its March conviction, "The defendant effectively went to sleep during the surgery."

The court ruled that surgeon Haim Stolovitz's failure to monitor the patient's vital signs constituted negligence, but acquitted him of negligent manslaughter.

In the sentencing, the court wrote, "This was a little girl, entering a simple and routine surgery that should not have been risky. Instead of coming out a happy child full of life, as she entered the operating room, she came out in cardiac arrest and then died."

The court said of the defendant, "She didn't want the child to die, but all her actions led to an unnecessary death."

Neta-Li's mother Debbie Borosky said after sentencing, "This is what I expected. I think she deserves every minute behind bars. You don't go into an operation to sleep and turn off the alarms. No one can bring our daughter back, but justice was served."

Borosky said, "If someone kills your child - you want justice. You don't want that person to just walk down the street after ruining your life. Until now, only we have been punished."

Rousso-Lupo's lawyer Shimshon Weiss called the penalty cruel, disproportionate and severe.

Is that how we treat a doctor who erred?" he said, stating that Rousso-Lupo made a judgment error and is shocked by the severity of the sentence. Weiss declared he would appeal to the Supreme Court.

Stolovitz also plans to appeal. Attorney Yehuda Weinstein argued that the court erred in punishing Stolovitz for not meeting a norm that was set in the current verdict. He also said this was the most severe sentence ever for Stolovitz's crime.

A new device is suggested to be used by Anesthesiologists thinking they may fall asleep in various boring operations:

This device was invented by Kallis H. Mannik as a Sleep prevention device for automobile drivers (US Patent no. 5402109, Issue date: Mar 28, 1995).

This invention is an eyeglass attachable alarm signal device for automobile and truck drivers, preventing them to fall asleep, while driving. It is designed both for daytime and for nighttime driving. A beam of a narrowband light of any color is used for optical sensing, whether the driver's eyelids are closed or are in an open position. The use of infrared light is preferred, because infrared light generates least distraction to the driver. A tiny slide-adjustable light emitter carrier, sliding along the eyeglass temple, is used for positioning the light emitter on the eyeglass properly for each driver. A narrow-band light beam from this emitter is aimed across the surface of the driver's eye, just above the eyeball, between the eyelids, and it is sensed in the opposite corner of the eye by means of a light sensor, which has a narrow band light filter mounted in front of it. For infrared light preferably the Kodak's Wratten filter #87 or #87 C is used. For waking up the driver, whose eyes have been closed for a longer time period than about one second or less, an electronic circuitry is activated by means of the closed-eye signal from the light sensor, turning on an alarm signal, a buzzer or similar, after a one second or shorter time delay.

If Dr. Svetlana Rousso-Lupo was using this device during the operation of Neta-Li Borosky, Neta-Li Borosky would still be alive and Dr. Svetlana Rousso-Lupo would not stay in jail for 8 years.