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Two sides of the same coin: educational and professional pathway for surgical residents

[Matteo Gulino, Gianluca Montanari Vergallo, Raffaella Rinaldi](#)

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Abstract in English, [Italian](#)

Aim: To provide a review of medical malpractice cases ruled by the Italian Supreme Court with the aims at identifying lawsuits targeting involved with surgical residents.

Material and methods: Legal cases ruled by the Italian Supreme Court, from September 2020 to October 2020, pertaining to medical claims involving surgical residents were examined, using the main online databases.

Results: Of a total of eleven (n=11; 100%) cases identified, four (n= 4; 36,4%) cases addressed the standard of care pertaining to the surgical residents' medical activity. The legal reasoning of the Italian Supreme Court does not focus on the manual skill in the resident's medical performance, but rather on the choice to accept to treat the patient, regardless of the participation of the tutor.

Conclusions: The performance of the surgical residents is made more difficult due to their peculiar nature, characterized by the complex interactions between the directives given by the tutor and the need to guarantee patients' needs.

Key words: Surgical Residents, Tutor, Educational Pathway, Medical Malpractice, Standard of Care.