

## STORIES OF MALPRACTICE: VIRGINIA'S SURVIVORS OF MEDICAL NEGLIGENCE

### **Veronica Lynn Boyd**

Helen Boyd went into early labor in January of 1982. A nurse called Helen's physician at his home about to notify him of Helen's unexpected admission, but the physician chose to remain at home, about 20 minutes from the hospital, leaving Helen to be monitored by the nursing staff. The physician had a standing order at the hospital that, in the absence of complications, he was not to be summoned until labor reached the "crowning" stage, meaning that stage at which the child's head comes into view. The nurses did not call the doctor when Mrs. Boyd reached the second stage of labor until 7:00am. About 7:45 a.m., the nurses discovered that the fetal heart rate had dropped far below normal, indicating an acute oxygen insufficiency. The danger to the unborn child had probably existed for an hour, but had not been discovered because of inadequate monitoring. About 8:00 a.m., a nurse called the physician at home while the nurses immediately took Helen to the delivery room, where she gave birth to Veronica Lynn Boyd. As a result of the asphyxiation, Veronica suffered grave and permanent birth defects. The doctor finally arrived after the birth. Helen won her case.

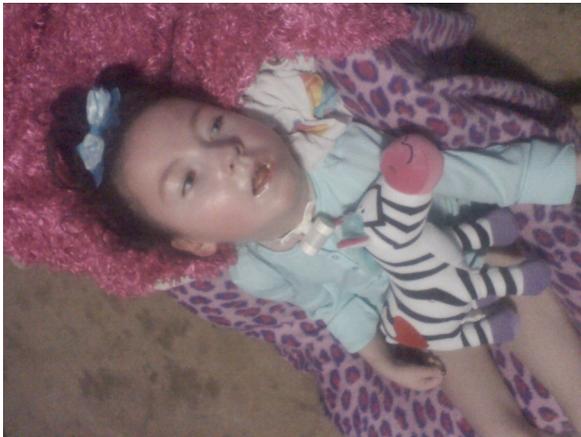
### **DeAyre [name protected]**

DeAyre is a small child from Southern Richmond. The glands of his penis were amputated during an attempted circumcision by an OB.

### **Ruth Dell**

Ruth Dell went to the Emergency Room after sustaining a subdural hematoma in an automobile accident. The neurosurgeon on call operated on the wrong side of her brain and, when she turned the skull flap on the left, Ruth's brain herniated because of the pressure on the right. She never recovered function.

### **Bethany Ellis Winchester**



Jennifer Scollick, mother of newborn Bethany, went to the emergency room because Bethany was sick and unable to nurse. After two hours of waiting, Jennifer went to the nurse and asked when she would be seen because her baby seemed to be getting worse. She was told to wait her turn. She complained numerous times. After a four-hour wait, her baby was finally seen. She had a stroke brought on by severe dehydration. Today her baby is seven-years-old and needs assistance in all activities of daily living. She settled her case.

### **Blake Fought Blacksburg**



Blake Fought was a 19-year-old with an illness that required that he be hospitalized and given liquids and nutrition through an IV line placed through his neck. When he had recovered from his illness and was ready to go home, the hospital sent a nurse to remove the IV line. Unfortunately, the nurse had never been properly trained to remove such a line and she did not follow proper procedure. When Blake began to gasp for air, the nurses failed to respond, telling Blake he was anxious and needed to calm down. Due to the improper procedure, a bubble of air had entered

Blake's blood vessels and traveled to his heart. In front of the nurses and his own parents, who were there to take their son home, Blake asphyxiated and died.

### **Eric Hedgepeth**

In July of 1987, Eric drove himself and his mother to what was then the Medical College of Virginia Hospitals to have his tonsils removed. Hours after the routine operation had begun, the doctor informed Eric's mother, Janice, that Eric had stopped breathing, his heart had stopped, and he was now in intensive care in a coma. He remained in a coma for two weeks, then spent eight months in a cerebral palsy center at the Children's Hospital in Richmond. Eric is now permanently paralyzed and is in need of constant care. Eric's family was only able to recover a fraction of the expenses needed for his care, because of a Virginia state law capping compensation for injured patients.

### **Ronald and Jessie Marie Kelley**

Ronald and Jessie Kelley's baby was stillborn because the doctor failed to treat the mother's toxemia and then failed to respond to growing evidence of fetal distress by ordering a C-Section as she went into premature labor. Another physician said that the doctor's failure to comply with the applicable standard of care meant that the infant was allowed to die. They won their case. The court ruled that injury to the unborn child was an injury to the mother.

### **Jackie Martin Charlotte Courthouse**

Jackie Martin rushed to the Emergency Room with severe abdominal pain after a motor vehicle accident. Despite the fact that CT clearly showed a bowel perforation, her radiologist interpreted the study as normal. Five days later, she returned to the ER with worsening symptoms. Acids and enzymes from her stomach had leaked into her peritoneal cavity, destroying the tissue in the

area of her duodenum (part of the small intestine). As a result of the delay in diagnosis, Ms. Martin was hospitalized five times, underwent ten surgeries on her abdomen, experienced multiple complications. She was uninsured at the time, and incurred nearly \$700,000 in medical expenses. Following a jury verdict in her favor, which was reduced to Virginia's statutory cap of \$1.8 million, Ms. Martin repaid the Commonwealth for these medical expenses. Had she not had recourse in the courts, the burden of these costs would have been borne by the taxpayers of Virginia instead of the healthcare provider responsible for causing them.

### **Matthew Peterson and Brittany Smith**

Two neonates, Matthew Peterson and Brittany Smith, were given adult doses of insulin at Fairfax hospital because of a pharmacy error. The hospital knew about the error, but did not want to acknowledge it, so hospital staff and administrators concocted a story that some mysterious interloper had snuck into the Neonatal Intensive Care Unit and poisoned the babies. Brittany died and Matthew was seriously brain injured. The hospital even went so far as call the police to investigate the case as a homicide, insisting that it must have been an interloper since the hospital investigation pointed that direction and not at hospital error. Civil discovery proved the falsity of these claims.

### **Arlene Pfost**

Arlene Pfost took her son to Fairfax Hospital because he was talking about committing suicide. Admitted under suicide checks every 15 minutes, he was found deceased the next morning, hanging from the back of the door to his hospital room. There was no record made of any suicide checks, but his nurse insisted at her deposition she had made them but had been too busy to record them. The court ordered the hospital to produce its risk management file. The nurse, when interviewed by the risk manager, had denied doing the suicide checks because she had not been told her patient was on suicide watch. Once it became obvious the nurse had committed perjury the case settled.

### **Cara Leigh Searcy Scottsville, VA**



Cara Leigh, the 4-year-old daughter of Wil and Lisa Searcy, had one of her kidneys removed. The ureter attached to that kidney was re-attached to the remaining kidney. While still at the hospital, she began leaking urine into her abdomen from the ureter re-attachment. Her belly swelled with fluid, making it difficult for her to breathe. Electrolytes which should have been excreted with her urine were being reabsorbed into her blood through her abdominal wall, destroying the delicate chemical balances in her blood. Despite several calls to the surgical team from Cara's nurse, Cara was allowed to deteriorate for approximately 16 hours after her difficulty breathing was first identified. She died from cardiac arrest.

**Kanika Wilson**

Bettie Wilson's 19-year-old daughter, Kanika, went into an outpatient surgery center in Alexandria, Virginia for a minor procedure. Because of an error by an inexperienced nurse anesthetist, she was deprived of oxygen. Further, the nurse anesthetist also failed to monitor her Kanika's condition. By the time the oxygen shortage was discovered, it was too late and Kanika was permanently and irreversibly brain damaged. She has spent the last ten years in a nursing home in a vegetative state. The case was settled for an amount equivalent to Virginia's cap on compensation, a sum not nearly enough to cover Kanika's long term care.

**Spyridon Xanthos**

Spyridon Xanthos was a healthy middle-aged man who was put to sleep in a plastic surgeon's office for cosmetic nose surgery in Alexandria, Virginia. He never woke up. The surgeon left the building while his patient was still under the effects of anesthesia, and an inexperienced nurse didn't notice the patient had stopped breathing until his body was already cold. The pulse oximeter that the office was supposed to use to monitor patients had broken and the surgeon decided to operate without any machines to monitor the patient's vital signs.

**Theresa [name protected]**

Theresa moved into a Richmond assisted living facility due to progressive dementia. Unknown to her family, the facility had been cited by the Department of Social Services for failing to provide heat for its residents. On a December morning, she was found in bed, unconscious, and suffering from severe hypothermia. Upon arrival at the hospital, her body temperature was only 84 degrees. She died two weeks later from complications of hypothermia. A former employee testified at trial that the building was so cold that employees worked in winter coats and long underwear just to stay warm. The owner refused to raise the temperature in the building and actually covered and locked the thermostat. The healthcare provider settled with Theresa's family the night before trial.

**And ... Dr. Cecil Jacobson - Notorious Virginia Doctor**

Dr. Cecil Jacobson held himself out as an infertility expert. In reality he was a fraud. He convinced 43 patients that he had gotten them pregnant by injecting them with a drug which made them test positive for pregnancy when they were not. He also said he ran an anonymous sperm donor program which could match the sperm donor with the family by skin color, religion, ethnicity or other desired characteristics. He got 77 women pregnant, but always using his own sperm. There were no anonymous donors. He settled his civil cases for \$4.8 million and was tried and convicted of 55 counts of federal mail and wife fraud and perjury.