

Delays in Care Cause Massive Brain Injury to Newborn

Alexia Davis was born on Sept. 25, 1995, approximately 10 weeks premature. She spent a month and a half in neonatal intensive care and made excellent progress. In good health, yet still very small, Alexia was discharged on Nov. 8, 1995.

On Nov. 18, Alexia's parents, Jackie and Tim, became concerned because Alexia felt cool to the touch and had no appetite. They immediately called their pediatrician. The Davises received a call back from a physician's assistant, to whom they related Alexia's symptoms. They were told not to be concerned and to bring Alexia in to the office two days later.

After a few hours passed by, the Davises called their pediatrician again because they felt their daughter's symptoms were getting worse. The physician's assistant called back again, and the Davises insisted on speaking with the pediatrician. The Davises also called the hospital where Alexia had been a neonatal patient. The nurses at the hospital explained that a low body temperature in a premature child is very serious. However, when the pediatrician finally called back, he tried to convince the Davises that their daughter's condition was not serious, and that she could be examined in his office two days later. The Davises informed the pediatrician that they were on their way to the hospital. Though the pediatrician indicated that he would meet them there, he never came to the hospital and never alerted the hospital of the Davises' pending arrival.

The Davises later testified that once they arrived at the hospital they were forced to wait an inordinate amount of time before being seen by a physician. The hospital's own records indicate

that Alexia's condition worsened significantly while she was waiting to be seen by a doctor. When she was finally examined, Alexia's condition was grave. Alexia was moved to a resuscitation room where, after several attempts, she was intubated. As a result of so many delays, Alexia suffered a catastrophic brain injury.

Discovery in this case showed that the physician's assistant who called the Davises had absolutely no training in pediatrics. Additionally, inspection of the hospital records showed that the times recorded were not consistent throughout the record, and in fact, they had been changed. The hospital also lost x-rays which were taken of Alexia in the emergency room.

The plaintiffs agreed to a partial settlement of their case, totaling \$2.75 million, with the insurance carriers for the physician's assistant, one of the pediatricians, and the emergency room physician. The settlement was effected by attorneys Chris Searcy and Bill Norton after mediating the case twice. The case is ongoing against the other pediatrician and the hospital.

Mr. and Mrs. Davis intend to place the bulk of the settlement proceeds into an annuity which will be used to meet Alexia's needs for the rest of her life. ■

