

Deadly Drug Reaction



Mom's Untimely Death Attributed to Psychiatrist's Arrogance

Leslie and Brian were very excited about the birth of their first baby. On Aug. 22, 1996, Leslie delivered a baby girl. Unfortunately, due to the negligence of the physicians who became involved in this very unusual case, Leslie would never get to know her newborn.

Very soon after her little girl's birth, Leslie started suffering from postpartum depression. This fairly common condition developed into a far rarer condition called postpartum psychosis. Due to her extremely bizarre behavior, Leslie was admitted to a mental hospital where she was closely monitored and followed by a professional psychiatric staff and physician.

Leslie was in and out of the hospital three times, and each time she returned home, her symptoms became more severe and difficult to treat. In spite of the fact that her family was taking good care of her at home and making sure she took her medication, Leslie was not improving.

The death would have been entirely preventable had the psychiatrist just listened.

One of the many medications that Leslie was prescribed was Tegretol. Although this is primarily a medication to control seizures, it has on rare occasions been effective (in conjunction with other medications) to treat severe postpartum psychosis. Leslie's treating psychiatrist testified he knew that Tegretol was a potentially dangerous drug, with side effects and reactions set forth in the *Physicians' Desk Reference* including severe rash and death.

About a week after Leslie started taking Tegretol, her husband and family noticed a rash on her body. A home health care nurse also noted the rash. Leslie's husband attempted to call attention to the problem, but he could not get the psychiatrist's interest. When the home health care nurse called the psychiatrist to tell him about the rash and to report on the patient's condition, the psychiatrist very arrogantly told the nurse he did not want to be bothered with these matters. He made it clear that he was the doctor and that the home health care nurse was only a nurse. This arrogant attitude turned out to be the psychiatrist's downfall in this case.

As a result of the psychiatrist's failure to stop the Tegretol earlier, Leslie went on to develop what could be described as a rash on the inside of her body. This resulted in many serious complications. Leslie's bowel had perforated and she slipped into septic shock. In spite of emergency air transport to the University of Florida, and the herculean efforts of the physicians there, Leslie passed away on Nov. 13, 1996.

Leslie's husband enlisted the help of attorney Robert Sussman of Palm City, who in turn referred the case to Chris Searcy and John Shipley. The key to the case turned out to be the testimony of the psychiatrist himself. At his deposition, the psychiatrist testified he was never told by the home health care nurse or by the patient's husband that Leslie had the rash. He said he knew he had not been told about the rash because, if he had, he would have immediately stopped the Tegretol. As it turned out, a very careful review of the medical records **continued on page four**

Cosmetic Surgery Results in Coma

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at 3:01 p.m. and found Mrs. Budde unconscious and suffering from seizure activity. They then transported her to Alachua General Hospital. Dr. Poser noted on Mrs. Budde's personal history and physical examination forms that she had received a high epidural which resulted in a possible allergic reaction.

As a result of the negligence committed by the two doctors and the nurse, Mrs. Budde, a mother of two little boys, suffered permanent and irreversible brain damage. She now lives in a comatose state.

This case was referred to Greg Barnhart from attorney G. Russell Petersen in Vero Beach. Mrs. Budde's mother, Janice Pestrichelli, and her ex-husband, Gregory Budde, sought to pursue a medical negligence claim against Dr. Poser, Dr. Zander, and Nurse Mull.

She improperly placed the catheter in the spinal canal and too much anesthesia was administered to the patient.

During discovery, Mr. Barnhart uncovered that Dr. Zander was trying to distance himself from any wrongdoing in the case. Dr. Zander made notes in Mrs. Budde's file claiming that Dr. Poser intentionally withheld critical information from him. He also contended that he had arrived at Dr. Poser's office at 11:00 a.m., instead of 10:30 a.m., as reported by more than ten eyewitnesses. Dr. Zander also falsely testified that he was never informed that Mrs. Budde received CPR and, had he known such facts, he would have insisted on hospitalizing her. Both Dr. Poser and Nurse Mull testified that Dr. Zander was informed that CPR was performed. In fact, the paramedics revealed that Dr. Zander arrived just after Mrs. Budde went into cardiac arrest and was present when they were performing CPR. Had Mrs. Budde been transferred to the hospital while receiving CPR, she would have suffered a lesser brain injury, or perhaps no permanent injury whatsoever.

Mrs. Budde and her family have suffered tremendously and needlessly. Mrs. Budde will require constant medical care for the rest of her life. She lives in a nursing home in Vero Beach. Based in part on the overwhelming evidence against Dr. Zander, Mr. Barnhart settled with all the defendants for \$3.5 million on behalf of Mrs. Budde and her family. ■

Psychiatrist's Arrogance Attributed to Death

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revealed that he had been told about the rash and had prescribed Benadryl on that date over the phone. Benadryl is a medication used specifically to control rashes and inflammation.

The defendants in the case, primarily the psychiatrist and his insurance company, paid a settlement that was acceptable to Leslie's husband, including an annuity for Leslie's little girl. Although Leslie's daughter will never know her mom, her financial needs will be taken care of for the rest of her life.

This was quite an unusual case, as a severe drug reaction like this one is rare, even with Tegretol. However, had the psychiatrist simply paid attention, Leslie's death would have been entirely preventable. ■

