

## **JANE DOE AND HER 14-YEAR-OLD DAUGHTER**

Jane Doe and her 14-year-old daughter enjoyed a unique relationship. Mrs. Doe's daughter was autistic and unable to communicate verbally. Mrs. Doe raised her daughter on her own and was her main channel to the rest of the world.

In mid-February 1994, Mrs. Doe began to notice that her daughter was not eating. She took her daughter to her regular

pediatricians at Pediatrics of Brevard in Cocoa Beach. Over the next few months, Mrs. Doe's daughter was brought to the pediatricians repeatedly with symptoms of vomiting and refusing to eat. Mrs. Doe's daughter was robust, but had now lost more than 30 pounds. Finally on March 14, 1994, Mrs. Doe's daughter was admitted to Cape Canaveral Hospital.

Like many autistic children, Mrs. Doe's daughter had a habit of chewing on small inorganic objects, a behavior known as pica. Mrs. Doe reported to her pediatricians that she discovered her daughter had ingested some pillow batting before the problems began. The physicians were well aware of the daughter's pica behavior and they told Mrs. Doe they did not believe that to be the cause of her daughter's problems. During her four day hospital stay, Mrs. Doe's daughter was unable to eat and was grabbing at her abdomen and screaming out in pain. A number of tests were ordered, but all were negative. A radiographic study of the upper gastrointestinal tract was ordered, but then canceled. Ultimately, Mrs. Doe was told her daughter was "acting out" and needed to be force-fed.

During this time period, Mrs. Doe watched as her daughter was placed in restraints and ordered to have medical tests administered for hours at a time. Mrs. Doe told the pediatricians involved that she wanted to take her daughter home and try to introduce food to her in familiar surroundings. Mrs. Doe and her daughter were therefore discharged on March 18, 1994.

Initially, Mrs. Doe's daughter's condition appeared to improve, as she ate small amounts of food. However, she began crying again in pain and was obviously quite ill. Mrs. Doe called the pediatricians' office and got the first appointment possible.

When Mrs. Doe met with the pediatrician on March 21, *continued on page six.*

her daughter had to be carried into the office because she was too weak to ambulate. It was clear to Mrs. Doe that her daughter needed immediate hospitalization. The main treating pediatrician, Dr. Knappenberger, told her that her daughter could be admitted to Arnold Palmer Hospital for Women and Children in Orlando the next day. After voicing her objections, Mrs. Doe got the doctor to agree to have her daughter admitted that day. Dr. Knappenberger did not feel an ambulance was necessary and told Jane Doe that she could drive her daughter to Orlando, a two hour drive, to see a pediatric gastroenterologist. Dr. Knappenberger also told her to retrieve her daughter's x-rays from Cape Canaveral Hospital. He faxed the admission information on her daughter to Arnold Palmer Hospital without indicating the emergent nature of her condition. Dr. Milov, the pediatric gastroenterologist at Arnold Palmer, spoke to Dr. Knappenberger and later testified that Dr. Knappenberger never imparted any sense of emergency. When Mrs. Doe and her daughter finally arrived at Arnold Palmer Hospital, Dr. Milov had gone home.

Mrs. Doe and her daughter were now left in the care of a resident and intern at Arnold Palmer Hospital. They medicated her daughter heavily and arranged for testing to start the next day. Mrs. Doe was physically and mentally exhausted. On March 21, 1994, she went to sleep with her daughter in the hospital bed. The next morning, Mrs. Doe awoke to find her daughter dead lying next to her.

Autopsy results showed that Mrs. Doe's daughter died of complications from a bowel obstruction consisting of inorganic material called a bezoar. The bezoar was approximately eight inches long and caused a perforation in her daughter's bowel. Medical literature documents that bezoars are most commonly found in autistic patients who exhibit pica behavior. Arnold Palmer Hospital admitted liability and took advantage of Florida statutes which effectively cap damages against a hospital at \$350,000. The pediatricians and Cape Canaveral Hospital alleged that Mrs. Doe insisted that her daughter be discharged against the doctor's medical advice. They further testified that her actions in taking her daughter out of the hospital against medical advice contributed to her death.

Attorneys Chris Searcy and Bill Norton were able to elicit testimony from the physicians at Arnold Palmer Hospital that they were not provided with the full history of Mrs. Doe's daughter's medical problems. Furthermore they showed that a bowel obstruction was never ruled out during her hospital stay at Cape Canaveral Hospital. The case was settled with all the defendants shortly before trial for \$1.025 million. ■