

Man Becomes Disabled Due to Physician Assistant's Misdiagnosis

Art Ervine was an avid bodybuilder and outdoorsman, who loved hunting and fishing in the northern rural community of Jennings, Fla. Employed in the construction trade, Mr. Ervine was always the picture of health.

So on a Monday morning in 1998, it was extremely unusual that Mr. Ervine came down with a cold and an earache. For the next week, Mr. Ervine had a high fever and suffered headaches, earaches, vomiting, dizziness and neck pain. By Friday of that same week, Mr. Ervine asked his wife Karen to take him to the hospital.

Mrs. Ervine drove her husband to the emergency room at Columbia Hamilton County Medical Center in Jasper, Fla. They waited for quite some time before they were finally seen by a man, whom they presumed was a medical doctor. In fact, the man was not a medical doctor, but a physician's assistant, covering the emergency room.

Columbia Hamilton County Medical Center had a contract with an emergency room physicians group called, Coastal Physicians, to supervise the activities of the nurses and physician's assistants. Florida law requires all physician's assistant be supervised by a licensed physician. Columbia Hamilton County Medical Center's own protocol procedures require that a physician's assistant consult with a supervisory physician when a patient has serious symptoms, to determine the appropriate plan of treatment.

In Mr. Ervine's case, the physician's assistant prescribed medications, including controlled substances, without consulting a licensed physician. Mr. Ervine's temperature climbed to 103 degrees and he became lethargic and disoriented. Mrs. Ervine was very concerned and brought this to the attention of the nurses. However, hours later, Mr. Ervine was discharged with a diagnosis of a sore throat and ear infection.

The following morning, Mrs. Ervine left to have Mr. Ervine's prescription filled at the pharmacy. When she



Daughter Brittany Leigh and Art Ervine.

arrived home, she noticed Mr. Ervine's condition had worsened. In addition, he became disoriented and combative. Mrs. Ervine immediately called 911 to assist in getting her husband to a hospital. The Sheriff's Department and emergency medical personnel both arrived. Mr. Ervine was immediately transported to the South Georgia Medical Center in Valdosta, Ga. A spinal tap showed that Mr. Ervine was suffering from bacterial meningitis. He slipped into a coma and Mrs. Ervine and the family were told Mr. Ervine might not survive.

However, a week later, Mr. Ervine came out of the coma. Unfortunately, as a result of the untimely diagnosis of bacterial meningitis, Mr. Ervine suffered near blindness, balance and ambulating deficiencies, as well as severe damage to his inner ear. As a result, Mr. Ervine, who was declared totally disabled by the Social Security Administration, must use a walker to ambulate.

Attorneys Chris Searcy and David Kelley were contacted by the Ervines. Suit was brought against Columbia Hamilton County Medical Center, Coastal Physicians, the physician's assistant, nurses, and a local doctor. The case was scheduled to be tried on Feb. 11, 2002, but settled on the eve of the trial for a confidential amount.

Subsequent to the incident, Columbia Hamilton Medical Center sold the hospital and Coastal Physicians' contract terminated. Mr. and Mrs. Ervine will use the settlement funds for their living and medical expenses and to provide for their children, Art Jr. and Brittany Lee. ■