

Judge Swats Down Gag Order Request by “Buggy” Hospital

It was a smashing victory for the First Amendment and a major setback for Palm Beach Gardens Medical Center when Palm Beach County Circuit Judge David Crow turned down its request for an immediate gag order. Numerous reporters and media representatives attended the June 19 hearing to publicly oppose the gag order request.

Facing more than 100 lawsuits alleging that the hospital did not do enough to control life-threatening post-operative infections, Palm Beach Gardens Medical Center asked the court to prohibit participating parties and their counsel “from making extra judicial comments to the print, radio, and television that relate to:

Evidence regarding the occurrences, incidents, or injuries involved in the cases;

The character, credibility, or criminal record of any party, witness, or prospective witness;

The performance or results of any examination or tests, or the refusal or failure of a party to submit to such; and

Plaintiffs’ counsel’s opinions as to the merits of the claims or defenses of any party.”

After listening to the hospital’s argument, the judge decided that the gag order request had bugs in it. But, then, so does Palm Beach Gardens Medical Center – as many of its patients unfortunately found out.

In fact, since 1999, Palm Beach Gardens Medical Center has received numerous warnings from several different pest extermination companies about unsanitary conditions leading to bug infestations at the hospital. Despite these warnings, the hospital allowed the unsanitary conditions to continue.

As reported in *The Palm Beach Post*, “An attorney suing Palm Beach Gardens Medical Center claimed Thursday the hospital is combating a flying insect problem by installing ‘bug-zappers’ in its operating rooms,” and has copies of multiple reports from Palm Beach Gardens Medical Center’s exterminators to prove it. “If Palm Beach Gardens Medical Center has bugs in operating rooms, ants crawling around ICUs, rat bait stations outside the hospital and flies breeding in the mops, the public has a right to know,” declared Cal Warriner of Searcy Denney Scarola Barnhart & Shipley.

“Sometimes a request for a gag order backfires... The effort to quash negative publicity arising from the suits’ allegations provided a platform for (the lead plaintiff counsel) to describe alleged conditions at the hospital that would make anyone gag – in disgust,” opined the *Daily Business Review*, which described the hospital’s failed effort as “a public relations disaster.”

In fact, when Palm Beach Gardens Medical Center made a routine promotional announcement one month later, *The Palm Beach Post* continued to focus on the hospital’s bug problem:

“Palm Beach Gardens Medical Center is still showing scars from last year, when government inspectors found numerous infection control problems that nearly shut down the hospital. Admissions at the 204-bed hospital have fallen every month since May 2002, according to state data compiled by the Treasure Coast Health Council. Emergency room visits and births are down. Worse yet, patients looking for open-heart surgery, one of the most lucrative medical services, are choosing competitive (sic) hospitals. Doctors say patients still question their judgment to send them to Palm Beach Gardens Medical Center out of worry that their health could be in jeopardy.”

