

Physician Incompetence Exposed In \$8.2 Million Settlement

HOSPITAL ALLOWED UNQUALIFIED PHYSICIANS TO PERFORM HEART CATHETERIZATION ON INFANT

Chris Searcy and Chris Speed have successfully negotiated an \$8.2 million settlement on behalf of 4-1/2 year old Baby Doe and her parents. This settlement was reached during the third week of trial in Central Florida.

Baby Doe suffered mild to moderate brain damage and significant injury to her spinal cord when she was eight days old. This occurred during the course of a heart catheterization negligently performed by Dr. X at ABC Hospital.

Baby Doe was born with a congenital narrowing of her aorta. Dr. X, a pediatric cardiologist, determined that it was necessary to do a heart catheterization in order to properly visualize the anatomy of the aorta prior to surgery being performed to cure that condition. Neither Dr. X, nor his partner, Dr. Y, had the appropriate recent training, experience, or competency to do the cath-



Attorneys Chris Searcy and Chris Speed with young client.

eterization on this very young baby. Their only experience during the preceding ten years had been with older children. ABC Hospital knew of the lack of ability of these two cardiologists, yet allowed them to proceed with the catheterizations of very young and fragile neonates (babies less than 30 days old). The hospital's motive was the great amount of revenue generated by these procedures and the subsequent surgeries.

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Baby Doe...*Continued from Page One*

Although Dr. X never intended to advance the catheter past the aortic arch, he inadvertently moved the catheter into the heart, and then negligently pushed the catheter through the heart wall of the left ventricle. It should have been obvious that he had perforated the heart and that blood was filling the space between the heart and the pericardial sac. However, it took him and his partner nearly twenty minutes to recognize what had caused Baby Doe to experience cardiac arrest and to relieve the problem. Because of this significant time delay, the baby received very poorly oxygenated blood to her brain and spinal cord for an extended period of time. That deprivation of blood supply and oxygen to the brain caused injuries which will permanently affect her throughout her life.

In addition to her moderate mental retardation, Baby Doe has no control of her bladder and needs to be catheterized every four hours. She has a loss of sensation in her lower legs, needs to wear lower leg braces to be able to do a minimal amount of walking, and has no control of her bowels. Part of her settlement has been placed into a structured annuity so that she will have a lifetime of income to provide her with the necessary attendant medical care and supervision which her injury will require.

The thrust of the defense was that she was born with a number of congenital abnormalities, including the abnormality in her heart, and one in her kidneys, and that she also had an underdevelopment in her brain, which was the cause of her mental retardation. ABC Hospital, and Drs. X and Y also contended that substandard care was provided to her at the referring hospital, DEF Hospital, and by its pediatrician, Dr. Z. They contended she suffered her brain injury on the day prior to her catheterization when seen at DEF Hospital.

If the case had not settled when it did, it was predicted the trial would have continued for an additional six weeks. Both Mr. and Mrs. Doe were very gratified with the settlement amount and with the elimination of the risks posed by a jury decision and potential future appeals. ■