

# OF COUNSEL

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## *Hospital Disposes Of Evidence After Baby's Death*

On Feb. 1, 1999, Ryan and Kim Bliss took their nine-month-old daughter, Kendyll, to the office of their pediatrician, Dr. A. Kendyll had been suffering with a high fever, vomiting, and diarrhea over the weekend. The physical examination was conducted by the nurse practitioner, Nurse A. Nurse A diagnosed gastroenteritis and recommended a bananas, rice, apples, and toast (BRAT) diet. The next day, Mr. and Mrs. Bliss called Dr. A's office because Kendyll had developed a cough. They returned to Dr. A's office on Feb. 4, 1999, when her symptoms did not improve. Dr. A ordered blood to be drawn, and the lab work showed Kendyll was dehydrated. Dr. A admitted Kendyll to the defendant hospital for overnight IV hydration.

When Mr. and Mrs. Bliss brought their infant daughter to the hospital, the nurses had an extraordinarily difficult time placing the IV. After several attempts, Dr. A was called to place a jugular IV at 10:15 p.m.

At 10:48 p.m., while the nurse was changing the IV bag, the Blissess noticed the nurse squeezing the contents of the bag. Shortly thereafter, Kendyll was in her mother's arms when she began to choke and turn blue. A resuscitation team was called, which was led by emergency physician Dr. B. Little Kendyll was pronounced dead at 12:55 a.m. The records indicated a final diagnosis of pneumonia with a secondary diagnosis of dehydration, gastroenteritis,



***Kendyll Bliss on Jan. 8, 1999, three weeks before her passing.***

and cardiac arrest. The hospital record did not include a death summary in the chart.

The Blissess were completely devastated by Kendyll's death. She was admitted to the hospital with a very minor medical condition. In spite of the sudden and uncertain nature of Kendyll's death at such a young age, the hospital decided not to take the steps necessary to perform a proper autopsy. Immediately after her death, the hospital disposed of all the medical equipment and supplies that would have constituted evidence to the medical examiner. Mr. Bliss, who is a police detective, was shocked to find that his daughter's hospital room was completely cleaned shortly after her death. When the Blissess did request an autopsy, some of the ***Continued on page ten.***



**Bliss family featured in local newspaper.**

## Hospital Disposes Of Evidence After Baby's Death

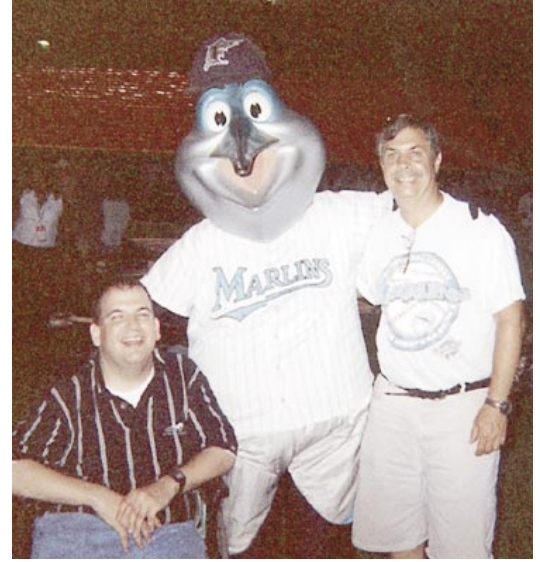
*Continued from page one.*

medical evidence had been destroyed. Because of the hospital's questionable behavior regarding their daughter's autopsy, the Blisses had an autopsy performed by a medical examiner from another county. The autopsy found that Kendyll had pulmonary edema and congestion, patchy bronchopneumonia, and an accumulation of fluids in the abdomen. The medical examiner's final cause of death was found to be acute bronchopneumonia.

Attorney Gerald Richman of Richman, Greer, Weil, Brumbaugh, Mirabito & Christensen in West Palm Beach referred the case to attorneys Chris Searcy and Bill Norton. Mr. Searcy and Mr. Norton initiated claims against the hospital and the physicians involved in Kendyll's care and treatment. Attorneys Searcy and Norton negotiated with the hospital early on in the litigation process and were able to reach a settlement with the hospital. The case is ongoing against the other defendants: Dr. A., his nurse, the emergency room physician Dr. B., and three hospital nurses.

With the settlement proceeds, the Blisses have funded a college scholarship in Kendyll's name. They also mark her birthday each year, by giving toys, food, clothing and money to the Genesis House, an area shelter for homeless, pregnant women. ■

## Taking... Time to Care



**I. to r. Jeffrey Reynolds, Billy the Marlin, and Bill Seabold enjoy Dinner on the Diamond**

### Dinner on the Diamond

On June 2, Jeffrey Reynolds and paralegal Bill Seabold attended the Florida Marlin's Dinner on the Diamond at Pro Player Stadium in Miami. Throughout the event, guests met and talked with members of the Florida Marlins and their wives, while enjoying a buffet dinner on the playing field. Guests also participated in a silent auction. The event raised more than \$24,000 for the Florida Marlins Community Foundation, and the Daily Bread Food Bank, a collection agency of food for area homeless facilities. ■



**Harry Shevin collecting clothes for Dress for Success.**

### Dress for Success

On June 27, the Palm Beach County Trial Lawyers Association in conjunction with SDSBS and other area law firms, collected women's suits for a local non-profit organization. Called Dress For Success, the organization provides used business suits and accessories to low-income women who are seeking employment. Spearheaded by attorney Harry Shevin for SDSBS, employees brought in more than 30 suits, handbags and shoes for the Dress for Success program. Combined with seven other law firms in the area, Dress for Success received more than \$6,100 worth of women's clothing. ■