

# Doctor's lack of caution results in irreversible brain damage

## Preliminary test clearly showed that the treatment procedure was unsafe

In April 2010, John Doe was experiencing a severe headache. Alarmed, he drove himself to the emergency room of a local hospital in Palm Beach County, Florida. Examinations revealed bleeding in his brain, and he was transferred to another hospital for further tests. Those tests revealed a ruptured arterial venous malformation (AVM) on John's brain. An AVM is an abnormal connection between arteries and veins, usually a congenital condition. John's AVM was located in close proximity to the thalamus, precariously close to the area that plays a vital role in sensory perception and regulation of motor functions. Following this examination, the hospital's neuroradiologist chose to perform an embolization procedure on the AVM, using catheterization. This involved injecting an embolic agent into the patient which would clog the AVM and prevent further bleeding. Tragically, the embolic agent traveled to John's thalamus and caused irreversible brain damage. John can no longer care for himself or function in any manner. He requires around-the-clock medical care.

Evidence showed that the dye test had stained John's thalamus . . .

**... a clear sign that the embolic agent to be used for the catheterization would cause serious and permanent brain injury.**

John's son, stunned by his father's condition, asked SDSBS attorneys **Chris Searcy** and **Brian Denney** to help him find out what had happened to his father. A thorough investigation by the attorneys revealed that the doctor should never have injected the embolic agent into John under the circumstances he presented. The attorneys filed a legal action against the hospital and the doctor on behalf of John and his family. Expert testimony determined that John's AVM was, in fact, stable, and that the doctor should have treated him conservatively, with observation and without

invasive treatment. Just prior to the embolic agent injection, and in accordance with established procedures, the doctor had injected a harmless dye into John in an effort to determine where the embolic agent might spread. The purpose of this procedure was to give the doctor an opportunity to test the safety of an embolic agent injection, and to back out of the procedure if there were adverse indications.

Evidence showed that the dye test had stained John's thalamus – a clear sign that the embolic agent would travel to the thalamus if injected, and that it would cause serious and permanent brain injury. When the neuroradiologist read the dye test report, he should have cancelled the embolic agent injection. Instead, he recklessly moved forward with the procedure, causing catastrophic injury to John. The attorneys were able to settle this case before trial, for a substantial sum that will ensure John receives around-the-clock medical care for the rest of his life. ♦

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