

Patient loses eyesight when medical center fails to protect him

Doctor had ordered 24 hours a day patient monitoring, which was not provided.

In November 2013, Michael Jones (not his real name) was admitted to the care of ABC Medical Center (not its real name), a designated trauma facility. Michael was 32 years old and had a history of schizophrenia. Examination revealed pain and bleeding in his left eye, with full-thickness laceration of the left eyelid. The medical records clearly noted the patient's injuries were self-inflicted, the result of Michael's intent to remove his left eye while in the throes of a psychotic incident. An initial CT scan of his eye showed extra-orbital and inter-orbital injury, with hemorrhage and subcutaneous emphysema.

Dr. John Smith (not his real name), an ophthalmological surgeon, performed extensive surgery on Michael the same day he had been admitted to the Medical Center, repairing damage done to the eye socket and closing lacerations to the eyeball and eyelid. The doctor documented in his operative report that a psychiatric on-call physician was contacted, given that the overwhelming issue for the patient was psychiatric, and that Michael should be admitted to psychiatric services once discharged from the recovery room. Because Michael's postoperative condition identified him as a fall-risk and his

behavior indicated that he was at risk for danger to himself and others, he was placed in bilateral wrist restraints to minimize the risks. The doctor also issued an order for a Patient Safety Observer to remain as a sitter at Michael's bedside 24 hours each day throughout his stay on the medical surgical floor.

Despite the precautions ordered by the doctor, the next day Medical Center staff found that Michael had damaged his right eye with severe lacerations, hemorrhaging, and extensive injury to the eye socket. While under the care and protection of the Medical Center's personnel and still suffering psychotic episodes, Michael had managed to inflict severe trauma on his right eye and had rendered himself legally and functionally blind. Michael's guardians contacted SDSBS attorney **Greg Barnhart** and asked for help in holding the Medical

Center accountable for its negligence and failure to properly protect Michael while he was under their care, resulting in injuries that would last his lifetime.

Following investigations by both Mr. Barnhart and attorneys for the Medical Center, the Medical Center asked for voluntary binding arbitration of the damages suffered by Michael. In August 2016, Mr. Barnhart presented Michael's claim for damages at arbitration. After two days of testimony, the panel entered an award on behalf of Michael, including

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the maximum award for past and future non-economic damages, and a monetary award in excess of seven figures for the significant future economic damages Michael will endure as a result of total blindness. ♦

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