

MARYBETH'S STORY

A real case demonstrating
the unfairness of damage caps.

Marybeth's Story

Marybeth, a wife and mother of four children, was only 37 when she died of malignant melanoma—a totally treatable and curable cancer if detected in time. But Marybeth's doctor ignored examining Marybeth's skin at yearly physicals even though she knew her family's history with the disease and had been warned by Marybeth's oncologist. Marybeth might still be alive today if her physician then hadn't burned off a suspicious lesion and not gotten it tested. Because of her doctor's negligence, Marybeth's family has lost a devoted mother and loving wife.

Marybeth was happy and content with her life. She had always dreamed of being a wife and mother, and her dreams had come true. She had married her high school sweetheart, Ray, the only man that she had ever kissed. The couple was ecstatic when their first child arrived, a boy who was named after his father. The couple had three more children, another boy and two girls, to round out the family. Marybeth had worked before the children began arriving, but she gave up her career to stay home and raise the children. She was happy and proud being a soccer mom. She gave her kids all that she could in the hope and belief that the nurturing that she provided every day would give her children the best possible start in life. In addition to being there for her children whenever they needed her, she was deeply committed to her church and community.

Marybeth tried to take good care of herself. She had a lot to live for. In addition to eating right and exercising, she saw her family doctor every year for a routine physical and tried to protect her skin from the sun. Marybeth had very fair skin, and several of her close relatives had been diagnosed with malignant melanoma. Luckily, each of her relatives was cured of the disease because it had been recognized and treated early. Knowing her family history, Marybeth watched her skin for changes in color and monitored moles for changes in shape and size.

Marybeth's family doctor knew about her concern with developing skin cancer. Years before, she had been sent to a surgical oncologist for removal of a suspicious skin lesion. The lesion was not cancerous, but the oncologist had warned her family doctor that Marybeth was at a high risk for malignant melanoma because of the presence of this particular type of lesion, her family history and her fair skin. The oncologist recommended to her family doctor that regular and thorough examinations of Marybeth's skin be performed.

Despite this recommendation and warning by the oncologist, Marybeth's doctor did not perform skin evaluations or examinations during her yearly physicals. Despite knowing of her prior suspicious lesion, her fair skin, her worries about developing skin cancer and her family history of malignant melanoma, Marybeth's doctor never performed the recommended skin examinations.

In 1997, Marybeth made one of her regular appointments with her family physician because she had another suspicious lesion, this time on her buttock. The lesion had become very itchy and began bleeding when scratched. These are classic signs of skin cancer. Despite presenting to her doctor's office with a lesion that had classic signs of a cancerous condition, her family history of malignant melanoma and the previous warnings and recommendations of the oncologist, Marybeth's family doctor burned off the lesion, threw it away and sealed Marybeth's fate. Without a pathologist's microscopic evaluation of the lesion, no diagnosis could be made; no treatment could be offered; and the cancer would grow and spread.

Within five months, the lesion had grown back.

Marybeth made an appointment with an oncologist this time. The dermatologist removed the lesion and immediately sent it for a pathological analysis. The lesion was examined at the Johns Hopkins University Department of Pathology. Sure enough, the lesion was malignant melanoma, Level 5. Marybeth was admitted to the hospital for a wider excision of tissue, as well as a scan and biopsy of her lymph nodes. Although no further cancer was found from the testing, Marybeth was told that she was at high risk for both regional and

systemic spreading of the disease.

Marybeth did as she always had - she continued to get routine check-ups, but this time with her oncologist. She seemed to be doing well until the early spring of 2002. In early March, Marybeth began to have severe low back pain and then severe abdominal pain. The pain was so bad that she went to the Emergency Department of a local hospital. Testing to rule out routine back complaints showed that Marybeth's melanoma had spread far beyond its original site. She now had cancer in her liver, spine and lungs. Although she and her family knew that she did not have much time, her oncologist tried everything to contain and control the disease. This young, 37-year-old wife and mother of four underwent surgery, radiation and chemotherapy.

After a painful and debilitating three months fighting the cancer, Marybeth died, surrounded by her loving husband and her four children ages 12, 10, 8 and 5.

Malignant melanoma is entirely curable with early detection and treatment. Marybeth's family doctor did not perform routine skin examinations to find potential trouble spots, even though she knew that Marybeth was at high risk for the disease. The doctor had the opportunity to find the cancer when she removed the lesion from Marybeth's buttock. Instead, she threw the tissue away and never sent it for testing, depriving Marybeth of precious time when her cancer could have been cured.

Marybeth should not have died. Had it not been for the negligence of her family doctor, she would be alive. She would have been able to raise her children herself. She would have been able to be there for them at all times, like she had planned to do. She would have seen every school play, every soccer, basketball or football game, every report card. She would have been there to chaperone school dances, plan special birthday parties, help with homework, and soothe skinned knees and broken hearts. She would have witnessed the fun of proms, the pride of graduations, the thrill of college and the contentment of seeing her children with their own spouses and children. She would have been able to provide the support and guidance that only mothers seem to know how to give.

Marybeth and her children have been deprived of all of this because of the negligence of a physician. She died a horrible, painful and premature death because of that same negligence. Her husband and children suffer new losses with each new day. Every new experience, every success, every failure is met with the painful cry of "I wish mom were here."

How is a \$250,000 cap fair to Marybeth, her husband and her children?



Marybeth, a loving wife and devoted mother of four, died a needless and painful death from skin cancer. Her family doctor repeatedly ignored checking her skin at exams despite knowing her family's history of the disease and receiving warnings from Marybeth's oncologist.