

MICHAEL'S STORY

A real case demonstrating
the unfairness of damage caps.

Michael's Story

Michael died a totally preventable and needless death because his doctor failed to provide the correct treatment and the hospital was unable to appropriately respond to a cardiac emergency created by the doctor's negligence. Michael was only in his 30s and now his wife is left to care for three young children alone.

Michael was in his early 30s when he walked into the emergency department of a local hospital in Bucks County. He had always been fit and in good health, a requirement for his strenuous job as a commercial electrician and a dad to three high-spirited young children. Michael's life revolved around his wife, Linda, and their children. He was the only father that Linda's two young girls had ever known, and their child together, Eric, had completed their family. Michael was overjoyed by the birth of his son, so much so that he brought a baseball glove to the hospital when Eric was born. He remodeled the family home himself to make room for his new son, and any other children that he and Linda might have. Michael and his family spent their free time taking fishing trips and throwing lively parties for their family and friends. Michael was immensely proud of his home, his wife, his lovely daughters and his only son.

Although Michael was always in good health, for four days in February he had been bothered by flu-like symptoms. Michael usually recovered from the flu or other viruses in record time. He couldn't seem to shake the illness that winter, and he began developing some shortness of breath, so at his wife's insistence, he went to the hospital.

After an examination in the emergency department that revealed shortness of breath, an abnormal heart rhythm and congested lungs, a cardiologist was called in to evaluate Michael. The cardiologist confirmed that Michael had atrial fibrillation, a common heart arrhythmia where the upper chambers of the heart quiver instead of beating, causing a fast, uncontrolled rhythm. Atrial fibrillation is a condition that a patient, especially a healthy one with no other cardiac disease, may not notice for months, until the advanced effects of the disease present themselves. One of the advanced effects is that the fluttering of the heart from atrial fibrillation can cause weakness of the heart muscles and, ultimately, enlargement of the heart. Enlargement of the heart, or cardiomyopathy, is a very serious condition that can cause death if it is untreated. Further testing showed that Michael had a very enlarged heart. The best treatment for Michael was to arrange for a cardiac catheterization to determine the cause of the abnormal heart rhythm and enlarged heart. Treatment options for him would be more effective once the cause of his condition was known, a fact well-known to the cardiologist treating Michael.

Instead of transferring Michael to a hospital with the capability to perform this diagnostic test, the cardiologist admitted him to the community hospital and chose a treatment plan before he knew the cause of the condition. The cardiologist gave Michael medications that would convert his abnormal rhythm into a normal sinus rhythm, choosing to use a combination of two drugs that had a potential side effect of causing a life threatening and not commonly seen heart rhythm disturbance. The drugs that he chose are seldom used anymore, and he was well-aware of several available safer and more effective drugs and a non-invasive electrical procedure that could have accomplished the same end result - a normal rhythm.

Michael initially responded to the medications. His heart rhythm converted to normal within a few days. At this point, instead of transferring his now stable patient to a hospital where a cardiac catheterization could be performed, he moved Michael from the Intensive Care Unit to a step-down unit. Although Michael was still

on a monitored bed, he received less frequent nursing attention from nurses less familiar with cardiac conditions and heart rhythms. Also, the move was made on a Friday. The cardiologist was aware that the only doctor on-call to cover the hospital on the weekend was not a cardiologist.

Linda visited with Michael Saturday night. Michael desperately wanted to come home. Eric's 6th birthday party was the next afternoon. Eric was excited because all of his friends were coming to his party, and he wanted his dad there. Michael was the life of any party that he attended, and Eric knew that the party would be more fun with his dad around. Michael did not want to miss the big event, but he knew that the party for all of Eric's school friends could not be postponed. The disappointment on his son's face hurt Michael, but he knew that he had to follow the doctor's orders. He promised Eric that they would go on a fishing trip after he got out of the hospital - just the two men of the family - to make up for missing the party. Michael had no intentions of breaking his promise about the fishing trip to his son. Michael kissed Linda goodbye, wishing that he could go home and help her and the girls pack the goody-bags for the party.

Early Sunday morning, the worst possible scenario occurred. Over the 24 hours prior, Michael had developed the life-threatening heart rhythm disturbance caused by the two medications he was being given. The nurses failed to identify the evolving rhythm disturbance. It had never been explained to them what they should look for or what they should do when they saw certain changes on the rhythm strip. Nothing was done, and Michael went into cardiac arrest. Even at this late point his condition could have been reversed with application of shock paddles and the administration of IV magnesium and atrophine, a drug to increase the heart rate.

Unfortunately, the proper measures were not taken. The nurses on staff did not know what to do when confronted with the rhythm disturbance, and the doctor on call, who was not a cardiologist, failed to provide the necessary information over the phone. Instead, the on-call doctor told the nurses that he would "be right in." By the time that he dressed and made the 30-minute drive to the hospital, it was too late for Michael. Michael died that Sunday morning - the day of his young son's birthday party. His death was totally preventable had correct decisions been made by his cardiologist and had the hospital staff been able to handle the Sunday morning emergency. To make matters worse, the hospital somehow "lost" the rhythm strip from that Sunday morning, even though normal procedure is to retain the strips.

Michael's family was devastated by his death. Young Eric kept asking his mom when daddy was coming home from the hospital and when they were going to take the promised fishing trip. He couldn't understand why Linda would cry every time that he asked about his dad. The girls, who are a little older, cannot believe that their father is gone. They miss the birthday parties that he threw for them, the little presents that he would buy for them on his way home from work, the quiet talks that they would have on long walks, hand-in-hand. Linda, who had finally found in Michael her life partner and a loving, attentive husband, is now a grieving widow, raising three children by herself. She tries to put on a smile and a brave face for the kids, but, in truth, she doesn't know how to go on without Michael. Not a day goes by when she doesn't cry for the loss that she and her children experience every day.

Michael's tragic death has caused a permanent and unfillable void in the lives of Linda, Eric and the girls. Their sense of loss, their anguish, their pain are not capped. Why should the liability of the doctors and hospital that caused the unnecessary and preventable death of Michael be capped? Where is the fairness in that so-called solution to the medical liability insurance crisis?



Michael was the proud father of three children, including a young son that he and his wife had together. His wife is now left to raise the children alone due to the negligence of Michael's doctor and the hospital staff.





Michael promised 6-year-old Eric that the two would go on a fishing trip together when Michael got out of the hospital. Michael died the day of Eric's birthday party, leaving Eric wondering why daddy wasn't coming home to take him on the promised fishing trip.



