Parents Of Oregon Boy Settle In Surgery Lawsuit

PORTLAND, Ore. (AP) — The parents of a 3-year-old boy who died after an Oregon doctor operated on him have agreed to settle a wrongful death lawsuit for $200,000.

The parents of Ian McClellan contended Dr. Jayant Patel perforated the boy's bowel while attempting to place a feeding tube inside of him on Feb. 5, 1999.

They argued that Patel — now facing manslaughter charges in Australia in the deaths of three patients there — opened the boy up again the next day and found the perforation. The boy died a painful death by septic shock eight days later, the suit filed in Multnomah County Circuit Court said.

Patel was working for Kaiser Permanente in Portland from 1989 to 2001, but performed the surgeries on the boy at another hospital in the city — OHSU Doernbecher Children's Hospital. The boy's parents, Ana Maria and Matthew McClellan, originally sought $1.55 million in their suit against all three.

A confidentiality agreement prevents any comment on the settlement, said the family's lawyer, Robert Beatty-Walters. A judge was scheduled to consider the settlement Thursday.

It's unclear from court records what portion of the $200,000 will by paid by Patel and the two hospitals.

The McClellans said they didn't learn the reason for their son's death until after April 15, 2005, when The Oregonian newspaper published the first of a series of articles about growing concern over Patel's work in the United States and abroad.

The boy's parents contended that Patel and the hospitals misled the McClellans by saying their son had developed a postoperative infection of unknown origin.

Patel has been reprimanded by medical boards in New York and Oregon. He was sued repeatedly for malpractice in Oregon before his license was suspended and he moved to a remote area of Australia to continue working as a surgeon.

Information from: The Oregonian

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