$15 Million Wrongful Death Verdict Follows Bypass Surgery

(PRNewswire) On June 25, 2012, a Mobile, Alabama state court jury returned a $15 million verdict against Springhill Memorial Hospital for the wrongful death of a 45-year-old married mother of three who walked into the hospital under her own power on November 7, 2008 for diagnostic work, and who later underwent successful cardiac bypass surgery that same morning. That evening, 24 minutes following the administration of an overdose of a powerful anesthetic medication, Theresa Oden suffered a cardiac arrest and was pronounced dead 18 minutes later.

The jury of 12 unanimously determined after a two-week trial that the hospital was liable for placing Mrs. Oden's care in the hands of an inappropriately trained and unqualified nurse. The nurse, who had come on duty in relief of Mrs. Oden's primary post-op care team only 25 minutes prior to administering the drug, made numerous medical errors while administering Propofol (aka Diprivan) - the same drug implicated in the death of Michael Jackson.

According to Joseph Brown, Jr., and J. Brian Duncan, Jr., of Mobile's Cunningham Bounds, LLC, the trial evidence established that Mrs. Oden was an ideal low risk candidate who underwent the triple bypass surgery without a hitch. That afternoon, her recovery in Springhill's Cardiac Recovery Unit proceeded for over six hours without complications, and just as hoped for until the nurse, a newcomer to the CRU's staff, administered the overdose of Propofol, causing the patient to immediately fall into a coma accompanied by descending and unarrestable blood pressures.

Brown stated, "The heart surgeon, Dr. Terry Stelly, did a perfect job in completing Theresa's three-vessel bypass surgery, and confirmed the success of his revascularization of her heart by a post-surgery Doppler flow study. Following her death, an autopsy confirmed the surgery's success and the belief that the bypass team had indeed given Theresa what should have been a new lease on life." Dr. Stelly testified that he was devastated to learn the morning following the surgery that his patient had died following the surgery.

Duncan explained that the case also involved proof of cover-up and destruction of medical evidence. "The nurse made numerous changes to Theresa's vital signs, ventilator settings, and other critical evidence in an effort to hide her wrongdoing. The leftover Propofol and the computer memory from the pump allegedly used to administer the medication to Theresa were discarded or destroyed following her death ... all in violation of the hospital's policies and procedures governing medication-related deaths. The evidence also suggested that Springhill was an active participant in the cover-up. In fact, when David Oden went to the hospital shortly after his wife passed away to obtain a copy of his deceased wife's medical

records, he was given a set of records by Springhill that had many entries altogether different from the records produced to us by the hospital once the lawsuit was filed."

With the help of Mobile County's former Chief Medical Examiner, Dr. Leroy Riddick, Jr., who served as one of plaintiff's expert witnesses, the jury determined that Mrs. Oden was given an anesthetic dose of Propofol, rather than the "light sedation" ordered by her physician, while being left without the protection of a ventilator. As a consequence, Mrs. Oden lapsed into a deep coma from which she never recovered. Dr. Riddick explained that the incorrect administration of Propofol was "the only plausible explanation" for Mrs. Oden's untimely and unnecessary death.

Testimony from another of plaintiff's expert witnesses, internationally renowned anesthesiologist and critical care specialist, Dr. John Downs, of Dunnellon, Florida, also zeroed in on the nurse's improper administration of Propofol while not providing mechanical ventilation for a patient being treated with the powerful, fast-acting, and potentially deadly anesthetic medication. Dr. Downs explained that there was a direct causal relationship between the improper administration of the Propofol and Theresa's demise. He described how she lapsed immediately into a coma, accompanied by respiratory depression and plummeting blood pressures, while the nurse failed for 25 minutes to call a physician or anyone else for help.

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