



## **Forgotten Faces of the Healthcare Crisis**

As the debate continues over medical malpractice insurance, do not forget the patients that have been harmed or killed by medical negligence - people who turned to juries for answers because their voices were being silenced by the insurance industry and health care bureaucracy. Their stories need to be told. The following individuals want to have their voices heard.

### **Linda McDougal, Wisconsin**

Linda McDougal had both of her breasts surgically removed after her doctor mistakenly told her she had an aggressive cancer. McDougal went in for a mammogram and when a dark spot was detected, her doctor suggested a biopsy. A hospital pathologist switched McDougal's test results with those of an actual cancer patient. That mix-up led to her double mastectomy just three weeks later.

Now, several months later, Linda is finally able to speak about what happened to her. She still suffers from residual infections. The pathologist who caused this horrific injury will not be reprimanded unless another incident recurs.

McDougal has expressed disappointment with President Bush's plan to impose a one-size-fits-all limit on the amount of compensation victims of malpractice can receive for life-altering injuries, like her unnecessary mutilation.

### **Cyndi Enzenaur, El Sobrante, California**

Cyndi's husband died Dec. 27, 2000, after doctors failed to diagnose pneumonia. Failure to diagnose led to a blood infection and septic shock. The hospital, which was understaffed in order to cut costs, performed a blood culture, but the results of that test were never placed in his chart. They were lost and recovered only after his death.

When her husband died, Cyndi's daughter was 6. Cyndi, who is a Republican, says of medical malpractice, "It's not about politics. It's about an 8-year-old who says every night, 'I miss my daddy.'"

### **Ed Whiddon, Georgia**

Ed Whiddon - a former pilot for Eastern Airlines and a Lt. Colonel in the Air Force - was the victim of malpractice at the hands of an anesthesiologist who left him a paraplegic.

Ed underwent a routine operation to repair a hernia. The anesthesiologist allowed Ed's blood pressure to drop too low during the 1 ½ - 2 hour operation, and not enough oxygenated blood circulated to his lower spinal cord.

When Ed awoke from the operation he no longer had the use of his legs. The doctor's insurance company offered only \$125,000 and laughed in Ed's face at the idea of Ed taking his case to court to be heard by a jury. Ed's verdict is almost entirely non-economic damages...exactly the kind of damages President Bush says needs to be limited, in every case, to \$250,000.

### **Jennifer Tinsman and son Kody Garhart, Colorado**

When Jennifer Tinsman went into labor, monitors showed that her baby, Kody, was in trouble, but nurses did not call a doctor. When the doctor finally arrived and proceeded with a vaginal delivery -- not cesarean -- oxygen to the baby's brain was cut off for at least 20 minutes.

Kody survived, but now has severe cerebral palsy. He is fed through a tube. He cannot walk. Jennifer suffered internal injuries during labor and can no longer bear children. A jury found several defendants liable for malpractice. Kody's medical bills alone will cost several million dollars. But the defendants moved to have the jury verdict reduced to the amount of Colorado's medical malpractice cap. Who will pay for the rest of the baby's medical bills? If the defendants don't pay, taxpayers will.

### **Sandra Katada, McKinney, Texas**

"Our doctor delivered our baby in such a way that some of her nerves were destroyed and she became partially paralyzed. Some of those nerves were responsible for making her rib cage grow. But because they were damaged, her rib cage did not expand, and when the rest of her body grew she suffocated inside her small rib cage. I had preeclampsia, but the doctor didn't see it. The position of the baby required that a C-section be performed, but the doctor never asked us to consider it. And as he attempted to pull the baby through the birth canal, the doctor applied so much force that, in addition to the spinal injury, the baby's arm was broken and pulled from its socket. We eventually settled the case against him for the insurance company's policy limits, one million dollars. If our case hadn't settled for what it did, no one would have paid attention to Dr. Phillips actions. A Dallas Morning News investigation found that two other babies in his care had died before Allie did, and another died in his care after our baby died. This all happened within five years. And Dr. Phillips is still practicing today." [Excerpt from prepared testimony for a House Subcommittee hearing on Health Care Litigation Reform, June 12, 2002].