

Petition

Via Fax

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Discovery of Dangerous Doctors Becomes Easier

Florida's Agency for Health Care Administration just made determining the safety of physicians easier by releasing the statistical records for discipline and malpractice claims physicians in Florida. This is the first time consumers have available information to help make reasonably informed choices about medical care.

The Florida Report on Physician Discipline and Malpractice, published this month, which can be obtained by the Agency or downloaded via the Internet, provides a summary of physicians against whom emergency disciplinary action has been taken as well as others who have been the subject of discipline. The Report also provides data on physicians who have paid three or more malpractice claims in the most recent five year period.

There is no mandatory insurance requirement in Florida, so many physicians practice with a certain degree of financial immunity. Florida law requires that physicians maintain minimal "financial responsibility".

The Report can be obtained by contacting the Agency for Health Care Administration, (904) 414-7209 or from the web site at: <http://www.state.fl.us/fdhc/>.



Additional Websites on Medical Malpractice:

Medical Malpractice: Just the facts:

http://www.biddeford.com/~mpa/med_mal.htm

Florida Paid Closed

Malpractice Claims: <http://www.doi.state.fl.us/liability>

Medical Malpractice Home Page:

<http://www.aw.vill.edu/~psand/medmal/open.html>

Lawclopedia on Malpractice:

<http://www.lectlaw.com/tmed.html>



Portrait of Medical Neglect: Healthy Woman Bleeds to Death After Delivering Baby; Family Awarded \$1.15 Million



Jane Doe* was the picture of a healthy mother. Pregnant with her third daughter, she had an uneventful pregnancy. After delivering a normal

baby girl, she began to bleed. And bleed. The nurse was concerned enough about the bleeding that she asked the doctor to stay with the patient. He refused, saying that "she'll be fine", and left the hospital. The nurse did not seek another physician's help. Over the course of less than an hour Jane bled so much that she lost the clotting properties in what little blood was left in her.

By the time the doctor finally recognized how severe the bleeding was he rushed her into the operating room. But it was too late. Jane literally bled to death in the maternity unit of one of the largest hospitals in Florida. **LLR** partner **John Leighton** brought a medical malpractice wrongful death suit on behalf of Jane's husband and two children and obtained a multi-million dollar award.

*Names of the parties kept confidential.

Failure To Treat Spinal Injury Results in Paralysis

The failure on the part of a major teaching hospital and its physicians to recognize and treat a spinal injury cost a man his ability to walk. After a car accident, the patient was brought to the hospital with neck and back pain. For five weeks the injury was undiagnosed which caused an irreversible paralysis. **LLR** partner **Maria Rubio** represented the injured patient, and obtained a \$1 million settlement.

Court Orders \$2 Million Payment on Federal Tort Claims Act Malpractice Settlement

Because of obstetrical medical malpractice by Navy physicians, Benjamin Reed was born with cerebral palsy. **LLR** partner **Ira Leesfield** brought suit against the government on behalf of Benjamin under the Federal Tort Claims Act.

During the litigation the case was settled for nearly **\$2 million**. After the settlement, but before the payment of the monies, Benjamin died from his condition. The United States refused to pay the settlement.

Leesfield brought suit against the United States to enforce the terms of the settlement. The United States District Court enforced the terms (*Reed v. U.S.*, 717 F.Supp. 1511). The government appealed, claiming that the trial court no longer had jurisdiction. The Eleventh Circuit held that the agreement was binding. (891 F.2d 878)

Other medical malpractice Federal Tort Claims Act results obtained by **Leesfield Leighton & Rubio**:



Varney v. U.S.A.: Unsupervised mental patient commits suicide resulting in \$1.9 million settlement.



Wiggins v. U.S.A.: Key West Navy physicians' failure to diagnose subdural hematoma resulting in \$2 million settlement.



Harvard Study Finds Most Malpractice Undiscovered

A study conducted by Harvard University found that only 1.5% of identified acts of medical malpractice resulted in a legal claim. The Harvard Medical Practice Study examined more than 31,000 hospitalizations.