

Verdicts & Settlements

Despite scan showing embolism, man waits hours in ER, dies

\$1.1 million settlement



On April 22, 2015, a 64-year-old man was admitted to the emergency department of a hospital with chief complaints of shortness of breath and blood clots in his lower extremities.

About four weeks earlier, the man had surgery on his fractured left ankle after he had slipped on ice.

Following an initial examination by a registered nurse in the emergency department, the man was sent to the waiting room. More than two hours later, he was examined by an emergency department physician's assistant, who noted in the medical record that the man was complaining of shortness of breath and needed to take frequent breaths between words. Another hour passed before an emergency department physician examined the man.

About 90 minutes later (more than five hours after admission), he was sent for a CT scan, which showed a bilateral pulmonary embolism and possible right heart strain. Despite those critical findings, he was not admitted to intensive care for close monitoring. He was finally given heparin and

admitted to a non-monitored general medical floor, although he was forced to wait for a room.

More than 10 hours after first entering the hospital, the man was finally transported to the general floor. Shortly thereafter, he went into cardiac arrest due to a pulmonary embolism and was pronounced dead after 50 minutes of attempted CPR.

The man's widow alleged in her wrongful death suit that various medical professionals who examined the man in the emergency department breached their duty of care by failing to promptly recognize his high-risk medical condition and failing to admit him to the ICU for close monitoring in the event of rapid deterioration.

The plaintiff's medical expert opined that the anticoagulant treatment should have been administered within an hour of admission to the emergency department.

The defendants contested liability on the basis that nothing they did or failed to do caused or contributed to the man's death. They asserted that throughout his stay in the emergency department he did not complain of chest pain or any respiratory distress and was conversant and aware up to the time he went into cardiac arrest, and that his heart was hemodynamically stable. The plaintiff settled with the hospital prior to trial.

Action: Medical malpractice

Injuries alleged: Wrongful death, loss of consortium

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (settled)

Amount: \$1.1 million

Date: September 2019

Attorneys: Jeffrey N. Catalano and Maria T. Davis, of Todd & Weld, Boston (for the plaintiff)