



Center for Justice & Democracy  
80 Broad St., Suite 1600  
New York, NY 10004  
Tel: 212.267.2801  
Fax: 212.764.4298  
[centerjd@centerjd.org](mailto:centerjd@centerjd.org)  
<http://centerjd.org>

## **Medical Malpractice Lawsuits Save Lives – Women, Children and Seniors**

The federal medical malpractice bill, S. 354, limits not only cases against doctors, hospitals and HMOs, but also drug companies and nursing homes.

As the following examples show, women, children and senior citizens have suffered tremendously as a result of dangerous or incompetent doctors, hospitals, HMOs, drug companies and nursing homes. Many of these dangerous products or practices were made safer only after lawsuits were filed against those responsible. As a result of these lawsuits, the lives of countless other women, children and seniors have been saved.

Here are some examples:

### **WOMEN**

- The Dalkon Shield IUD, a female contraceptive, caused infections, septic abortions, infertility and death in many women. After numerous lawsuits, the company finally agreed to urge doctors and women to remove the Dalkon Shield and offered to pay for the removal.<sup>1</sup>
- A 20-year-old underwent a hysterectomy and had part of her lung removed after a pregnancy test produced false positives for cancer. After the case, the manufacturer sent out warning letters to doctors and laboratories about the test's propensity to give false-positives.<sup>2</sup>
- The Copper-7 IUD, a female contraceptive, caused serious injuries and infertility in countless numbers of women. After numerous lawsuits, the manufacturer pulled the device from the U.S. market.<sup>3</sup>
- A woman suffered life-threatening injuries after taking the oral contraceptive Ortho-Novum 1/80. As a result of this case, the manufacturer lowered estrogen levels in the contraceptive.<sup>4</sup>

## CHILDREN

- A newborn suffered permanent brain damage after being left alone in a hospital's pediatric unit for 35 minutes, during 10 to 15 of which he wasn't breathing. After a lawsuit, the corporation changed its policy on staffing pediatric units throughout its chain of hospitals.<sup>5</sup>
- A baby suffered permanent brain damage after an obstetrician ignored a nurse's concerns over abnormalities on the fetal monitor. After this verdict, hospitals throughout North Carolina adopted a new protocol that allows nurses to intervene on behalf of patients without risking their jobs.<sup>6</sup>

## SENIORS

- A 78-year-old woman, admitted to a nursing home for short-term hip and wrist rehabilitation, died after suffering severe pressure sores, malnourishment and dehydration. As part of the settlement, the company changed its patient monitoring and care procedures in each of its 65 nursing homes.<sup>7</sup>
- A 63-year-old Alzheimer patient was strangled to death by the restraints in her bed rails while sleeping. As part of the settlement, the nursing home agreed to numerous operational reforms.<sup>8</sup>
- A 79-year-old nursing home patient suffering from Alzheimer's disease drowned in a bathtub after being left unattended. As a result of this lawsuit, the nursing home installed safety strips in bathtubs and exercised closer supervision of its elderly patients.<sup>9</sup>

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For more information, see *Lifesavers, CJ&D's Guide to Lawsuits that Protect Us All*, <http://centerjd.org/free/Lifesavers.pdf>.

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## NOTES

<sup>1</sup> See, e.g., *Tetuan v. A.H. Robins Company*, 738 P.2d 1210 (Kan. 1987); *Palmer v. A.H. Robins Co., Inc.*, 684 P.2d 187 (Colo. 1984).

<sup>2</sup> *Rufer v. Abbott Laboratories*, No. 99-2-27090-8 (King County Super. Ct., Wash., verdict June 29, 2001).

<sup>3</sup> *Kociemba v. G.D. Searle & Co.*, No. 3-85-1599 (U.S. Dist. Ct., Minn., verdict Sept. 9, 1988).

<sup>4</sup> *Wooderson v. Ortho Pharmaceutical Corporation*, 235 Kan. 387 (1984).

<sup>5</sup> *National Bank of Commerce v. HCA Health Services of Midwest, Inc.*, No. 84-160 (Saline County Cir. Ct., Ark., verdict Oct. 6, 1986).

<sup>6</sup> *Campbell v. Pitt County Memorial Hospital, Inc.*, 84 N.C. App. 314 (1987).

<sup>7</sup> *Olson v. Chisolm Trail Living & Rehabilitation Center*, No. 98-0363 (Caldwell County Ct., Tex., verdict Aug. 26, 1999).

<sup>8</sup> *Trew v. Smith & Davis Mfg. Co.*, No. SF 95-354 (Santa Fe County Jud. Dist. Ct., N.M., verdict July 19, 1996).

<sup>9</sup> *Beale v. Beechnut Manor Living*, No. 90-18826 (Harris County Dist. Ct., Tex., verdict May 21, 1992).