

The Neil Anthony Story: Holding Doctors Accountable for Medical Mistakes

by Charles Bentley

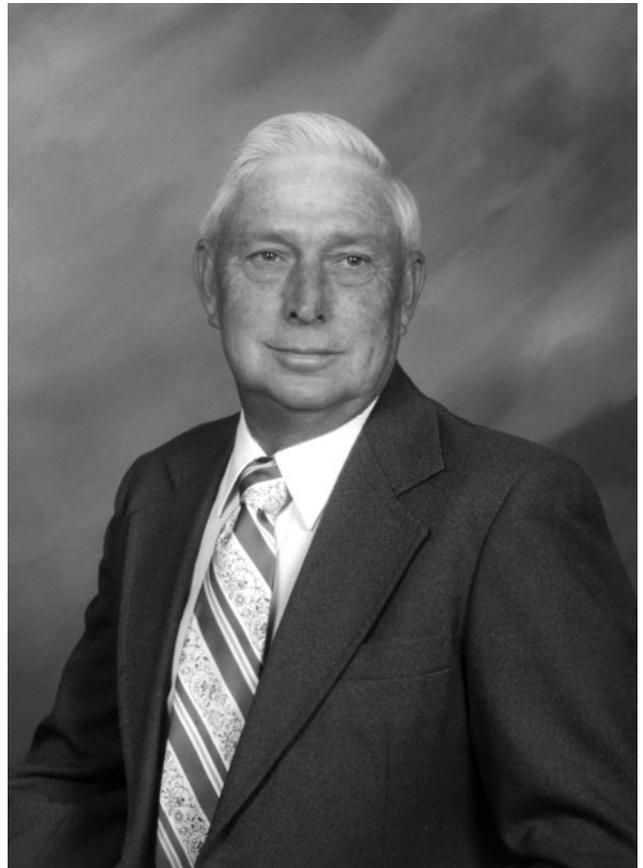
Academy member Charles Bentley has been a trial lawyer for more than 30 years. His practice is based in Durham, and he represents plaintiffs in medical negligence, products liability, accidents, and consumer fraud litigation. He is a member of the Academy's professional negligence section, ATLA (professional negligence section, breast cancer and HMO litigation groups), and the American Board of Trial Advocates, and is certified as a Civil Trial Advocate by the National Board of Trial Advocacy.

On May 14, 1997, Goldsboro resident Neil Anthony was in Pitt County Memorial Hospital in Greenville awaiting surgery to repair an abdominal aortic aneurysm and remove a kidney. A 64-year-old retired Air Force electrician who served in Vietnam, Anthony was glad that his wife of 35 years, Dixie, and his five grown children and grandchildren were close by.

However, five days after the surgery, his condition took a downward turn. He became seriously ill—he was vomiting violently and fluid was draining from the site of his large abdominal incision. Then the sutures began to rip apart. Anthony was rushed to emergency surgery in an effort to determine what had gone wrong, because doctors had been unable to diagnose the cause of his sudden deterioration.

When the surgeons reopened Anthony's abdomen during the emergency operation, they made a startling discovery: a green towel measuring 12-by-18-inches had been left in his abdomen five days earlier. He barely survived the emergency surgery, and morphine and other medications could not control his severe abdominal pain.

While Anthony ultimately made it through this unnecessary ordeal, complications from the towel caused his surgical incision to open again. Doctors tried to close the incision in February of 1998, but they



Neil Anthony survived both the initial surgical error and the corrective surgery, but was left with a permanent abdominal incisional hernia.

were unsuccessful; Anthony was left with what his medical records describe as a "huge" abdominal incisional hernia. Physicians have told him they will not attempt additional surgery to close the defect, meaning his condition is permanent.

Despite health problems, Anthony was very active before the May 1997 surgery. Now, the hernia imposes severe physical limitations on him. He is unable to lift his grandchildren or even a heavy bag of groceries. He cannot push a lawn mower, go bowling, or play volleyball at his tight-knit family's frequent get-togethers.

Anthony now grapples not only with the physical problems caused by the towel, but also with the refusal of the attending surgeons to accept personal responsibility for leaving the towel behind. He never wanted to go to court, but he is dismayed that the doctors in charge of his operation have attempted to cast all the blame for his injuries on a resident trainee and the nurses.

During his career as an aircraft electrician in the Air Force, Anthony strictly followed safety rules and regulations. He understands what it means to honor one's duty. The mistake that injured Neil Anthony should not have happened. Anthony now feels that it is his duty to hold the doctors responsible for the decisions they made during his surgery.

The case will be tried in Pitt County later this year. In the meantime, Anthony is doing what he has always done: taking care of his family and living each day to the fullest. ■

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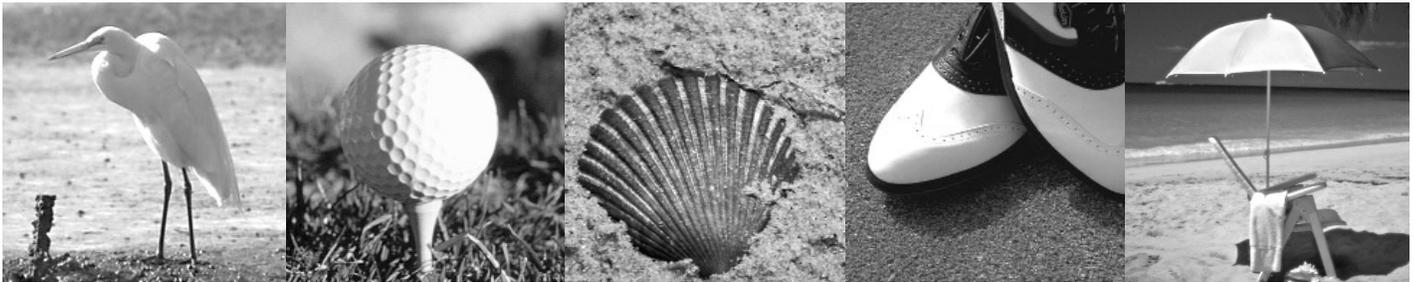
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