

Child Injury Laws *Blog*

Caps On Medical Malpractice Cases Can Make The Prosecution Of Even The Most Blatant Case Difficult To Pursue

By **Jonathan Rosenfeld** on August 15, 2011

A really heart-breaking story involving a teenager who died during a routine medical procedure at UCLA Children's Hospital caught my eye as it appeared in the LA Times. The article discusses how 17-year-old Olivia Cull went to UCLA for an outpatient heart procedure that required a catheterization.

The procedure went wrong and the young woman wound up going without oxygen for approximately 40 seconds which resulted in a brain injury. Eight days after the incident, the girl's parents elected to withdraw the life-extending medical care, allowing the girl's body to shut down on its own.

An autopsy performed by the hospital concluded that the girl's **brain damage** resulted from a heart attack that was precipitated by a congenital heart defect.

Suspicious of how an outwardly healthy girl could suffer such a drastic injury during a routine medical procedure the family sought information on the details surrounding the procedure itself and the role treating doctors may have had in the outcome.

The family soon found that despite the suspicious circumstances surrounding the incident, most **medical malpractice lawyers** were not interested in investigating the case due to the fact that medical malpractice caps in California severely limit an injured parties right to recover as well as the fees attorneys can earn on such cases.

Jonathan Rosenfeld offers legal services relating to: birth injuries, medical malpractice, day care abuse, foster care abuse, swimming pool injuries, automobile accidents, school bus accidents, dog bites, food poisoning, product liability, amusement park accidents and clergy abuse. For more information please visit Child Injury Laws Blog (<http://www.childinjurylaws.com/>) or call Jonathan directly at (888) 424-5757. (www.rosenfeldinjurylawyers.com.)

With the assistance of a pro bono attorney and a fierce sense of determination, the family was able to determine that the post-doctoral fellow who treated their daughter removed the girl's catheter without doctor's supervision and another fellow who provided treatment was not cleared by the hospital to treat patients.

After the obvious lapses in patient care were brought to light, the hospital did agree to make changes in their policy to avoid similar errors including:

- Adding disclaimers to patient consent forms to clearly distinguish that patients were to be treated by physicians in training
- Changes in the way doctors remove patients catheters
- Clearly document patient heart rates during procedures

Though I truly admire Mr. & Mrs. Cull's dedication to uncovering the truth, I imagine there are many, many similar cases that go un-prosecuted because the caps on medical malpractice cases make prosecution of negligent events impracticable. Moreover, with the limited threats of a judgment against medical facilities and physicians, I fear that children thrust into similar situations as Olivia Hull will continue to face ongoing dangers related to negligent medical care.

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