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Flood of Lawsuits Suggests ‘Deathtrap’ Hospital

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One of New York’s hospitals faces mounting criticism and risks losing federal and state healthcare funding because of widespread complaints of medical errors and shoddy practices.

In October, after a tragedy unfolded at Brookdale Hospital when a newborn died after he was admitted to the emergency room with a fever, an investigation by the city’s medical examiner determined that six month-old Amaan Ahmmad died because he was mistakenly given an adult dose of an antibiotic.

Since then, scrutiny of the hospital’s safety record exposed that Brookdale is defending a slew of lawsuits against it for medical malpractice. According to the New York Daily News, the once-respected Brooklyn hospital has over 100 live lawsuits against it for various acts of substandard care. A state department of health investigation uncovered multiple violations ranging from untested smoke detectors to misidentified blood samples to unsafe conditions for preventing airborne infections.

And a year ago, the hospital’s CEO David Rosen stepped down amid corruption allegations. He was later tried and convicted of trying to bribe three state politicians in return for beneficial treatment of the hospital. State politicians are now calling for changes to the leadership and management of the hospital.

On the legal front, some victims of the hospital’s alleged negligence will have a more difficult road to getting justice, thanks to a new state law.

The same month that baby Amaan died, the state legislature passed a [tort reform](#) statute that forces parents who sue over their newborn’s birth-related neurological injuries to put any winnings from such a lawsuit into a state fund.

‘Didn’t do very basic things’

Two lawsuits against Brookdale Hospital - both ending in patient deaths – hint at some of the underlying problems at the beleaguered medical center.



In one case, an elderly patient developed bedsores that went untreated by doctors and nurses until she died shortly after.

Nora Stephens, a 92 year-old grandmother who moved to New York after a tough life of sharecropping in Virginia, entered the hospital with her “skin intact,” but developed [pressure ulcers](#) on her feet that worsened so quickly to Stage IV ulcers that she developed an infection and gangrene on both feet. Before she could have her feet amputated, she died.

Attorney Matthew Gammons

“They didn’t do very basic things to take care of an elderly person not able to get out of bed,” such as turning her every two hours to make sure she did not develop ulcers, said [Matthew Gammons](#), an attorney for Stephens’ relatives.

In a second case, Gammons alleges the hospital’s delayed treatment caused the death of a teenager who arrived at the emergency room with a head injury.

Eighteen year-old Corey Ray appeared “awake, oriented and agitated” when he was brought to the hospital by EMTs after being beaten up at a nearby park.

According to Gammons, the hospital breached normal practices by waiting two and a half hours to give the injured boy a CT scan, then delayed getting him a neurosurgeon for another five and a half hours. In addition to the delay, the neurosurgeon missed two other areas of bleeding in the boy’s brain and a post-operative CT scan wasn’t done until 10 hours after surgery, the lawsuit claims.

“By the time they read the scans, he had a massive hemorrhage in the back of his brain. They missed the ball. ... To me, it epitomizes the lack of thoroughness of this hospital,” said Gammons.

He added that he will be looking into whether understaffing and lack of available specialists played a role in the two tragedies.

‘Radical’ new law

The number of lawsuits against a hospital may only represent a fraction of actual errors that take place.

“There may be hundreds of more legitimate cases that have not been brought and hospitals are never accountable for in terms of negligence,” said Joanne Doroshow, an attorney and consumer advocate.

It can be difficult for patients to find out about the history of a hospital, although consumers can look online to check if an individual doctor has a [malpractice](#) or disciplinary record, she added.

Recently, many hospitals say they have no money to improve patient care and have moved to cut back on patients’ legal rights, according to Doroshow. For example, for the youngest victims of medical errors in New York, a new law will make their families jump through another hoop to get future medical bills paid. The law requires that money damages awarded for future medical costs of babies who are injured during birth because of medical error go into the state fund. Doroshow criticized it as “a radical piece of legislation that severely cuts back on liability of hospitals when an injury to a newborn is birth-related.”

Besides forcing families who fight and win the long legal battle for their loved ones to then “beg” for money from the state to cover their child’s medical expenses, the new law is bad for patient safety because it takes away a financial incentive for hospitals to feel accountable, she said.

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