

CAITLYN'S STORY

A real case demonstrating
the unfairness of damage caps.

Caitlyn's Story

Little Caitlyn was only three years old when she suffered permanent spinal cord damage due to the negligence of hospital personnel. Had they followed proper procedure, Caitlyn would be a happy, active child. Instead, she will live the rest of her life paralyzed in a wheelchair.

Caitlyn was three years old when her pediatrician diagnosed her with scoliosis of the spine. Scoliosis is an unnatural curvature of the spine, where the spine curves from side-to-side in addition to the normal front-to-back curvature that rounds our shoulders and curves our lower backs inward. Scoliosis is not generally a painful condition, and it can often be corrected with braces. Sometimes, though, when the curvature is more pronounced, a series of surgeries is required to correct the problem and prevent future problems from developing. Caitlyn's scoliosis was the more pronounced type, and her doctors recommended surgery.

Caitlyn's mom, Tracey, wanted the best for her daughter so she agreed to the proposed surgery. The doctors explained to her that the surgery was relatively simple, and Tracey was confident that her daughter was in good hands.

Caitlyn's surgery went exceptionally well. Her surgeon was very pleased, and pronounced the operation a total success. Caitlyn was transferred from the operating room to a Pediatric Intensive Care Unit (PICU), where she could be fully stabilized and closely monitored. She was admitted to the PICU on a respirator, which is common after this surgery. It is important that the child remain very still following this operation, so medications are given that keep the child very groggy. Some children don't breathe well when they are medicated in this way. The respirator is used to ensure that the child gets enough oxygen to sustain life and nourish her brain, organs and other tissue.

Children, especially young ones such as Caitlyn, must be very carefully watched while on a respirator. They do not understand the need for the tube down their throat to help them breathe easier. It is very scary for them, and they become anxious and restless. The tube is also not comfortable, and the children want the discomfort to end as soon as possible. Also, children do not always awaken when an adult is present to reassure them and explain what the respirator is and why it is there. Without the guarantee of a reassuring adult presence, many children will panic and try to remove the respirator. Because of these issues involving children and respirators, it is common practice in PICUs to keep children's hands and arms restrained with soft wrist restraints so that they cannot pull at the respirator. It is also common practice to give them medication for anxiety to keep them calm and prevent any panic caused by the respirator, and it is very important to monitor the children carefully.

When Caitlyn was originally admitted to the PICU, she had wrist restraints on. However, within only a few hours, the restraints were removed. The hospital records don't show who removed the restraints or why. Also, for an unknown reason, Caitlyn received only one half of the anxiety medication prescribed for her. During the night after her surgery, Caitlyn was not carefully monitored. No one noticed the lack of wrist restraints, and no one noticed her increasing anxiousness and restlessness. Very early in the morning following her surgery, shortly after awakening, three-year-old Caitlyn pulled out her breathing tube.

As soon as the breathing tube came out, Caitlyn stopped breathing and then her heart stopped beating. She was found, minutes later, totally unresponsive by a nurse. She was resuscitated, but not before she suffered permanent spinal cord damage from oxygen deprivation. Caitlyn is now paralyzed from the level of her nipples down to her toes. She is completely incontinent of bowel and bladder function. There is no hope of

any recovery for her.

Caitlyn will never walk again. She will not learn to skip or play hopscotch or jump rope. She will never run along a beach at the edge of the waves. She will never ride a bicycle with her friends. She will not be able to enjoy ice-skating or roller-skating parties. She will not dance at school functions or parties. She won't be able to play high school sports or be a cheerleader. She probably won't be able to visit most of her friends in their homes. She certainly won't be able to go up to her friends' bedrooms and giggle about boys or attend parties in game rooms in the basement. She will not walk across the stage at her high school to receive her diploma. She will not walk down the aisle at her own wedding.

Caitlyn will spend the rest of her life, which could be as many as the normal 77 years or as few as 50, in a wheelchair. She will spend her time looking for ramps into buildings and trying to find wheelchair-accessible restrooms. She will battle skin breakdowns and pressure sores. She will develop and fight lung infections, urinary tract infections and a whole host of other health maladies that plague the wheelchair-bound. She will spend much of her life watching other people do what she should be able to do and could have done had it not been for the negligence of the healthcare workers who were supposed to take care of her in the PICU.

Would it be fair to cap the amount of damages that Caitlyn can recover for the loss of use of her lower body? Is \$250,000 in any way reasonable to compensate Caitlyn for what will be a lifetime of physical and emotional suffering? Would you trade the use of your legs, bowel and bladder for that amount? Caitlyn has already been wronged by the people who were supposed to care for her. Don't wrong her again by imposing an unnecessary cap on non-economic damages that won't bring down physician premiums and will only serve to hurt those who have already been hurt the most.



Caitlyn will never do the things other children do because of the negligence of those who were supposed to be caring for her. Due to the hospital staff ignoring procedure, Caitlyn suffered permanent spinal cord damage. She is now paralyzed throughout most of her body.