

LESLIE'S STORY

A real case demonstrating
the unfairness of damage caps.

Leslie's Story

Leslie suffered a horrible and painful death at the hands of a doctor who was negligent in her care. Leslie would have survived her surgery if the doctor had followed standard procedure.

Leslie was 15 years old. She had been born with a rare chromosomal disorder known as Trisomy 5p with deletion. In this disorder, a portion of the short arm of chromosome 5 appears three times instead of the normal two in cells of the body. This causes abnormalities in the affected individual including low muscle tone, some disfigurement of the head and face, long slender fingers, developmental delays relating to coordinating mental and physical activities (psychomotor skills), and mental retardation.

Although Leslie clearly had mental and physical difficulties, she was a loved and cherished member of her family. Her parents, Martha and Frank, had cared for her at home from the time of her birth to ensure that she would be in the most loving and supportive environment possible. They had worked hard with Leslie to help her acquire skills that gave her a measure of independence. Her sisters, one older and one younger, helped Leslie in any way that they could. They defended her when she was teased, helped her with tasks requiring fine manipulation, included her in all of their games, helped her with her schoolwork, and laughed and fought with her as sisters do.

Leslie was happy. She was a loved and integral part of a very close-knit family. She knew that she could not do all that her sisters could, but she was pleased with the tasks that she could master. She loved to laugh and talk and sing. She made the people around her happy with her little jokes and her giggle.

Over the years, Leslie had been hospitalized several times because of respiratory insufficiency. She generally would be admitted to the hospital for a few days and placed on oxygen. She would then be fine until the next episode. Leslie had another episode of respiratory insufficiency in May. Her parents took her to the hospital, as they had on previous occasions. During this admission, however, Leslie's doctor recommended that a tracheostomy be performed because she had an obstruction in her neck that was making it difficult for her to breathe, especially at night when lying down. A tracheostomy is a procedure during which a permanent opening is made from the neck into the windpipe or trachea. A tube is then inserted into the hole so that oxygen can be supplied to the lungs while bypassing any obstruction above the area of the opening in the neck.

Leslie underwent the tracheostomy procedure with flying colors. However, she was required to remain in the hospital for a few days so that she could be monitored closely. On the third day after the tracheostomy procedure had been performed, an associate of Leslie's surgeon came to her room. He told Leslie's parents that he was going to change the tracheostomy tube. He removed the tube that had been inserted by Leslie's surgeon just three days earlier and attempted to place a new tube. The doctor thought that he had placed the new tube, which supplied oxygen to Leslie, into Leslie's trachea. Instead, Leslie's skin began swelling, and tears began running down her face. The doctor had placed the tube not in Leslie's trachea, but underneath her skin. The oxygen that her body needed was not going into her lungs, but was instead going beneath her skin and into her muscles.

The doctor recognized his mistake after a few minutes, and he immediately tried to insert the tube into her trachea. Again, he did not place the tube correctly. For 15 minutes, while Martha and Frank watched in horror, the doctor tried again and again to place the tube in the right area. Again and again, he failed. Leslie's face was contorted in agony, and tears kept streaming down her face. Finally, after 15 minutes of unsuccessful attempts, the physician called a code, and Leslie was rushed to the operating room. Shortly after she was taken

into the OR, she went into respiratory arrest and then cardiac arrest. She died within minutes.

Leslie's surgeon had not ordered or authorized the change in the tracheostomy tube that his associate had attempted. He knew, as most doctors do, that a tracheostomy tube should not be changed until 5 to 7 days have passed from the initial surgery. This gives the tissue around the opening a chance to heal, making removal and replacement of the tube much easier, and much less risky to the patient. Removing the tube before the tissues in the area are healed makes it more likely that replacement of the tube will fail and the patient will suffer subcutaneous emphysema (air underneath the skin), as Leslie did. Premature removal and replacement of the tube places the patient at risk for delays in getting the new tube properly placed and in receiving life-giving oxygen, as occurred with Leslie. Premature changes in the tracheostomy tube place patients at risk of death from respiratory and cardiac arrest, as happened to Leslie.

The unnecessary and ill-advised medical procedure undertaken by the surgeon's associate cost Leslie her life. The associate's negligence forced Martha and Frank to watch in horror as their daughter suffered from lack of oxygen in front of them. They both live with the memory of Leslie's eyes pleading for them to help her. They live every day with the picture of their daughter's pain-contorted face and her stream of silent tears. The doctor's disregard of medical standards that mandate that tracheostomy tubes should not be replaced before 5 to 7 days have passed has taken Leslie away from her sisters and her parents. A horrible, gaping hole has been ripped in the fabric of this family's life because of an unnecessary and wholly preventable medical error.

Leslie's family misses her terribly. They miss her jokes and her laugh and her smile. They cannot believe that she is gone. Their lives will never be the same without her happy and sunny presence. Why should their ability to recover for their unending anguish be capped? Why should they be further hurt by the legal system after suffering such a devastating loss at the hands of the medical system? Why should their rights be sacrificed when the numbers don't show that doctors are leaving Pennsylvania?



Leslie would still be alive today but for a totally preventable medical error. By replacing her tracheostomy tube too early, the doctor placed it improperly, causing Leslie to suffer extreme pain and loss of oxygen.