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From the February 14, 2000 North Carolina Lawyers Weekly.

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## Verdicts & Settlements

### Medical Malpractice

#### Wrongful Death - Patient Discharge Without Seeing Doctor - Physician's Assistant Misdiagnosed Chest Pain - \$1.25 Million Settlement

**Brief Statement of Claim:** Sam Clark, age 66, was a patient in the emergency department at Southeastern Regional Medical Center on Sunday, Dec. 7, 1997. He had a history of three prior myocardial infarctions, coronary artery disease, hypertension, and congestive heart failure.

#### ADVERTISEMENT

Physician's assistant Eddy Akers evaluated Clark in the ER. Despite Clark's complaints of radiating chest pain, shortness of breath, and nausea plus the fact he had an abnormal EKG and had taken two nitroglycerin pills the night before without relief he was treated as if he had pneumonia and chronic lung disease.

He was instructed to increase fluid intake and rest, and discharged. He did the following morning at his home.

Similar to the case of *Locklear v. Southeastern Regional Medical Center* (97 CvS 00117) (previously reported by Karen Rabenau and Don Strickland), Clark was evaluated and treated exclusively by the PA, Eddy Akers, an employee of Southeastern Regional.

**Principal Injuries (in order of severity):** Death of 66-year-old male

**Special Damages:** Funeral expenses of \$6,605. At the time of his death, Clark was disabled due to his heart disease and diabetes mellitus, for which he had undergone an above knee amputation. Although Mr. Clark continued to perform services around the home prior to his death, the plaintiff did not claim loss of services.

**Tried or settled:** Settled after two mediations

**County where tried or settled:** Robeson

**Case Name and number:** *Junior D. Clark, Administrator of the Estate of Sam Clark Jr., Plaintiff v. Eddy Wayne Akers, P.A.; Southeastern Regional Medical Center; and Emergency Physician Associates, Inc., Defendants v. Emergency Physician Associates, Inc., Third-Party Defendant* (98 CvS 2709).

**Date Concluded:** Settlement with all defendants during second mediation on Oct. 14, 1999

**Name of Mediator:** Robert Beason

**Amount:** \$1,250,000 total settlement. The breakdown, as well as the identities of all parties making contributions to this settlement, is confidential.

**Insurance Carrier:** n/a

**Expert Witnesses and areas of expertise:** n/a

**Attorneys for plaintiffs:** Karen Rabenau and Don Strickland of Twiggs, Abrams, Strickland & Trehy, P.A., Raleigh; Mike Winesette, Fayetteville

**Other Useful Info:** At the time of Mr. Clark's death, Southeastern Regional continued to lack a formal written policy preventing physician's assistants such as Mr. Akers from discharging chest pain patients without first being seen by a physician.

Eddy Akers was terminated on Dec. 11, 1997. On Dec. 29, 1997, a formal written policy went into place at Southeastern Regional mandating that chest pain patients, along with other patients presenting with certain complex medical conditions, must be seen by a physician prior to discharge from the emergency department.

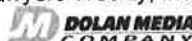
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