

## VERDICTS & SETTLEMENTS

# Signs of impending stroke allegedly overlooked

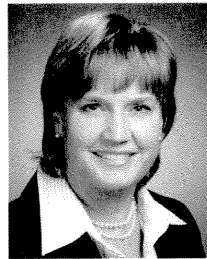
### \$750,000 settlement

On March 3, 2003, the plaintiff, a 56-year-old man with diabetes and hypertension, made an appointment to see his primary care physician for a severe right-sided headache, dizziness, some weakness and tingling on his left side, and problems picking up his left foot. When he arrived at the physician's office, he was seen by the defendant family nurse practitioner.

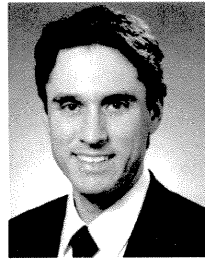
The nurse practitioner performed an EKG and wrote that "there did not seem to be any neurological finding suggestive of a TIA." She gave him prescriptions for aspirin and Atenolol, told him to make a follow-up appointment in one week, and sent him home.

During the visit, the nurse practitioner reviewed his case and the EKG with the defendant physician on two occasions. However, the physician, who was in his office, did not personally examine the plaintiff.

While at home that night, the plaintiff's condition worsened. Although he was admitted to the ER and received a work-up and treatment for a stroke, he suffered a progression of his stroke, resulting in substantial physical and cognitive disabilities and making a return to work impossible.



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The plaintiff's four experts confirmed that the defendants failed to recognize that the symptoms were suggestive of a serious neurological event and failed to appreciate the plaintiff's risk factors for a stroke, including high blood pressure, poorly controlled diabetes, high cholesterol, obesity and a family history of TIAs.

The experts concluded that if the plaintiff had been referred to the emergency department for an immediate stroke work-up and treatment, the progression of the stroke and his ensuing disabilities could have been prevented.

The plaintiff also alleged that the defendant physician should have evaluated the plaintiff personally, especially given his numerous risk

factors. The plaintiff further was prepared to show that the defendant physician failed to properly treat the plaintiff's chronic hypertension, diabetes and elevated cholesterol for many years preceding the stroke.

The defendants asserted that, although the plaintiff presented with either a TIA, stuttering stroke or Horner's Syndrome, prescribing aspirin and anti-hypertensives and sending him home constituted an acceptable standard of care. The defendants also argued that earlier admission would not have made a difference, as the patient suffered the stroke during the re-admission.

The case settled at mediation prior to trial.

**Type of action:** Medical malpractice

**Injuries alleged:** Cognitive and physical disabilities

**Name of case:** Withheld

**Court/case no.:** Withheld

**Tried before judge or jury:** N/A (mediated)

**Amount of settlement:** \$750,000

**Date:** May 2009

**Attorneys:** Lisa G. Arrowood and Jeffrey N. Catalano, Todd & Weld, Boston (for the plaintiff)