

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843 - 2013

PHILADELPHIA, TUESDAY, JANUARY 8, 2013

VOL 247 • NO. 5 \$5.00 An **ALM** Publication

## Montco Claim Over Post-Surgery Death Settles for \$6 Mil.

BY AMARIS ELLIOTT-ENGEL

*Of the Legal Staff*

A Montgomery County, Pa., surgical center has settled a case for \$6 million in which a 17-year-old teenager died after suffering respiratory distress in the recovery room after her tonsils were taken out.

When Mariah Edwards underwent a routine tonsillectomy March 20, 2012, at Abington Surgical Center, her parents, Angelique Mitchell and Maurice Edwards, said in court papers that she was left unmonitored by one of the nurses assigned to the unit and that the monitoring equipment was either not working or not properly set. By the time Mariah Edwards' respiratory distress was noticed, she was pulseless, according to the plaintiffs' court papers.

Edwards died 15 days later.

The settlement tendered the limits of the surgical center's primary policy of \$1 million and its excess policy of \$5 million with Columbia Casualty, plaintiffs' counsel Joel J. Feller, of Ross Feller Casey in Philadelphia, said.

While Montgomery County is a "very difficult" jurisdiction for medical malpractice claims, Feller said that, if damages can be established, plaintiffs' counsel can get value for their cases.

The defendants initially denied that they were negligent, and that there were breaches in the standard of care, Feller said.

The case highlighted that there may be more risk for surgical patients in the recovery room than there is during the surgery itself, Feller said.

"While we all get consent forms and we all discuss with physicians and anesthesiologists the risks associated with surgery and the risks associated with anesthesia, there's no

discussion about the risks associated with the recovery room and it is in the recovery room, [with] patients coming out of anesthesia and it's still not known if they suffered any operative complications, that they are the most vulnerable and require the highest level of care until they're deemed to be stable," Feller said.

The defendants also included registered nurse Sharon J. Brady, who first was assigned to monitor Edwards in the unit; registered nurse Jennifer M. Ventresca, who took over the care of Edwards in the unit after Ventresca went on break; nurse anesthetist Diane M. Foos, who administered a narcotic, Fentanyl IV, for Edwards' pain right after the surgery; and Dr. Edward J. Ginley, the anesthesiologist responsible for Edwards' care during and after her surgery.

Fentanyl depresses the respiratory system, and Brady was with another patient during the 20-minute period when Edwards went into respiratory distress and suffered a brain injury that ultimately led to her death, Feller said.

When Brady went on break, Ventresca discovered that Edwards was in full-bore respiratory distress, Feller said.

Ventresca said during her deposition that a note in Edwards' chart showing that she was assessed during the key time period actually was falsely recorded, Feller said.

During discovery, the firm discovered that the monitor placed on Edwards was either not properly set or muted so the nurse could not hear warnings of Edwards' respiratory distress, Feller said.

Several policies changed at the surgical center in the wake of Edwards' death, Feller

said, including that nurses must be staffed in a one-to-one ratio with patients in recovery from surgery and who have been administered potent narcotics; that nurses can no longer mute monitors; and that nurses must have clear lines of sight so they can see their patients at all times.

Ryan P. Chase, also of Ross Feller, was the associate working on the case.

None of the defense attorneys responded to a request for comment.

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Michael E. McGilvery and Brett J. Engelkraut, of Young & McGilvery in King of Prussia, Pa., represented Ginley and Anesthesia Associates of Abington.

James A. Young, Daniel P. Martz and Barbara S. Magers, of Christie Pabarue Mortensen and Young in Philadelphia, represented Abington Memorial Hospital.

William Mindy and David M. McGeedy, of Burns White in Philadelphia, represented Abington Surgical Center, Ambulatory Surgical Services and Foos.

Gerald J. Dugan and Stephen M. Winning, of Dugan Brinkmann Maginnis and Pace in Philadelphia, represented Brady.

Daniel J. McCarthy and Kristy Fischer, of Mintzer Sarowitz Zeris Ledva & Meyers in Philadelphia, represented Ventresca.

James P. Kicoyne, of Kicoyne & Nesbitt in Plymouth Meeting, Pa., represented United Anesthesia Services.

***Ginley was dismissed from the case based upon an agreement between Ginley's counsel and the plaintiff's counsel. The dismissal was approved by the court March 11.***

*Amaris Elliot-Engel can be contacted at 215-557-2354 or aelliott-engel@alm.com. Follow her on Twitter @AmarisTLI.*