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Sometimes it seems that taking legal action is a form of revenge. People use phrases like, “They should have to pay for what they’ve done,” when justifying a lawsuit. But legal action can be about more than restitution. Making positive change can be as simple as a different attitude – and a good lawyer.

Design opportunity

[August de los Reyes](#) suffered a spinal injury in 2013. Doctors ignored or rejected his claims that he had a broken back, despite the fact that de los Reyes had previously been diagnosed with a rare inflammatory disease that can make sufferers more susceptible to spinal fractures. As a result, de los Reyes ended up in a wheelchair for life.

As a design manager in the technology field and an informed patient with a chronic illness, de los Reyes knew medical errors are a [leading cause](#) of death in the U.S. and viewed his own case not as an isolated mistake, but as evidence of systemic design flaws in patient care. Determined to keep the issue of medical errors in the spotlight, de los Reyes and his lawyers refused to keep the terms of his lawsuit settlement secret.

Even more unusual, the terms of the agreement required the hospital to allow de los Reyes [to be part of the investigation](#) and evaluation of the circumstances that led to his injury. Now de los Reyes is a member of the hospital's Patient Family Advisory Council and has met with the hospital's chief medical officer about using his technical design skills to improve clinical practice.

Mothers Against Medical Error

In 2000, [Helen Haskell](#)'s fifteen-year-old son, Lewis Blackman, died following a routine surgery in which medical staff failed to recognize signs of internal bleeding. The [circumstances](#) of Haskell's case were so damning, the hospital offered a settlement of nearly a million dollars and agreed to meet with Haskell to discuss patient safety before her attorney even filed the wrongful death suit. But Haskell refused to let the story end with a settlement. Instead, she went beyond lawsuits to legislation.

Haskell founded the nonprofit [Mothers Against Medical Error](#), and began campaigning for legislative changes in her home state of South Carolina. Haskell's work led to the 2005 passage of South Carolina's [Lewis Blackman Patient Safety Act](#), which requires health care providers to be clearly identified and mandates the presence of a patient-activated emergency response system in hospitals. She also advocated for the South Carolina Hospital Infection Disclosure Act, and in 2007, a state-sponsored Chair of Clinical Effectiveness and Patient Safety was endowed in the name of her son.

Real change

The families of medical error victims who become patient safety advocates know that it is better to work with hospitals than to pursue an antagonistic relationship. [Susan Sheridan](#), whose son suffered severe brain damage and whose husband died as the result of medical errors in unrelated events at different hospitals, has settled multiple lawsuits, but still prefers to work with the hospitals as allies instead of enemies. She told Modern Health magazine, "People would say my family won, and there is no winning in the tort system."

Sometimes, legal action is the only course of action available, however. When Lyn Gross entered the hospital for treatment of a brain aneurysm, paperwork technicalities caused her to wait several hours for additional treatment when she suffered a stroke after the procedure. As a result, she experienced severe brain damage. Her [lawsuit settlement](#) included a promise from the hospital to change its documentation practices to avoid a similar situation in the future. The change was never made. So the Gross family sued again, prompting a letter from the hospital confirming the change.

When you've suffered medical malpractice, criminal negligence, or been harmed by faulty products, it is easy and natural to focus on the harm done to your own life. But helping to ensure that no one else suffers as you have is empowering and healing for you and could be a life-saver for someone else. If you have a legal right to restitution, you also have the leverage to make real change.

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