By Jie Jenny Zou — jzou@heraldonline.com

Emma Davis of Chester entered Piedmont Medical Center more than three years ago to have a pacemaker implanted. The procedure was supposed to take a few hours, and she was expected to go home the same day.

Instead, she died in the operating room after physicians improperly inserted a breathing tube and failed to properly monitor her oxygen levels, according to a lawsuit filed by Davis’ family.

Last week, Piedmont and affiliated medical groups agreed to pay Davis’ family $2.2 million to settle the lawsuit. Also named in the case was Dr. Vasant Patel, the cardiologist who operated on Davis. He is affiliated with PMC.

The suit is the second major malpractice case the 288-bed hospital has closed this year. In March, another claim was settled for $2.3 million.

Hospital spokeswoman Amy Faulkenberry said Davis’ case was not typical for Piedmont, which recently was recognized for its cardiac care by BlueCross BlueShield of South Carolina.

The hospital could not comment on the specifics of legal matters or any individual doctors affiliated with PMC, she said.

“No a day goes by that I don’t think about it,” Davis’ niece, Tanisha Gilmore, said of her aunt’s death. “A simple mistake can cost someone their life – and I don’t want another family to go through what I’ve been through.”

Gilmore, the personal representative of Davis’ estate, sued along with Davis’ widower, Andrew Strong.

Davis, 68, was scheduled to have the pacemaker implanted on the morning of Feb. 10, 2010. The surgical procedure has become minor enough that patients aren’t always required to stay overnight.

“Mrs. Davis walked into Piedmont that day expecting to be home by dinner,” according to the
lawsuit filed in York County civil court. “She ended up in the morgue.”

The suit alleged that Patel and the hospital’s medical staff failed to take the necessary precautions to prevent her wrongful death, including proper monitoring.

Efforts to reach Patel were unsuccessful.

The complaint makes reference to two periods during the surgery when Davis’ oxygen levels dipped dangerously low.

When someone is under sedation, an oxygen reading of less than 90 percent is a “significant problem,” according to the lawsuit. At one point during Davis’ procedure, her oxygen level dropped to 80 percent, but her medical team did not react for four minutes, the lawsuit alleged.

Initially, a breathing tube was placed into Davis’ esophagus, which leads to the stomach. It should have been placed in the trachea, which leads to the lungs, according to the lawsuit.

The mistake was discovered and a bag was used to ventilate Davis, which raised her oxygen level to 100 percent.

A breathing tube was again inserted, and again was incorrectly placed in the esophagus, according to the lawsuit. But this time, Davis’ oxygen level was not monitored for 19 minutes. It later was determined that her oxygen level had dropped to 50 percent.

Within minutes, Davis died, according to the lawsuit.

“The cause of death in this case was the misplaced tube,” the lawsuit states, “the failure to discover it was misplaced initially, the failure to properly monitor oxygen levels, and the failure to fix the misplaced tube after having learned the fact.”

Additionally, the lawsuit alleged that hospital staff tried to cover up the medical error that led to Davis’ death by failing to notify her family and not following proper procedure. No incident report was filed with the state Department of Health and Environmental Control, and no autopsy was ordered.

The lawsuit also alleged that Patel “falsely and fraudulently certified the death certificate.”

Gilmore, Davis’ niece, said the family was told the next day that Davis’ death was inevitable because of her respiratory problems. The family was not told that doctors had inserted a breathing tube during the procedure.

“She was like my grandmother,” said Gilmore, 29. “She basically kept the family going.”

Attorney Chad McGowan of McGowan, Hood & Felder, the firm that brought both lawsuits against Piedmont Medical Center, declined to comment on either case settled this year.

In the previous case, Piedmont surgeon Robert Randall and a private surgical group settled a malpractice lawsuit for $2.3 million in March. The case involved a York County woman who suffered from a leaking intestinal tube.

The complaint alleged that Randall, a surgeon who was affiliated with Piedmont at the time of the 2009 incident, inserted an intestinal tube that started leaking.

The patient had been admitted to the hospital for a hiatal hernia, a condition in which the stomach bulges through an opening in the diaphragm – a muscle that separates the chest from the abdomen.

Randall had installed the feeding tube because of the patient’s digestive issues.

A leaking tube is problematic because it can lead to severe infections. The tube leaked for several days, and the patient developed sepsis, a blood infection. The patient’s medical bills because of the tube were more than $1 million.

A few days after the tube started leaking, Randall discovered that the tube had been misplaced but waited another day to fix “this life-threatening problem,” according to the lawsuit.

Randall has since sued Piedmont Medical Center for what he called retaliation. The hospital stripped him of his privileges to perform abdominal surgery following a review, according to a
lawsuit he filed in York County civil court last year.

Randall’s lawsuit against Piedmont is currently pending. Efforts to reach his attorney for comment were unsuccessful.

Jie Jenny Zou • 803-329-4062