

Can the Government Put A Price On This Life? Matthew's Story

by Clifford Britt

Imagine going into the hospital for routine surgery—and leaving a paraplegic. This is exactly what happened to Matthew, a 70-year-old husband, father, and grandfather whose deteriorating condition after surgery was not reported to his doctor in time to stop permanent nerve damage and the resulting disability.

When Matthew's physician recommended back surgery, he agreed. Matthew had undergone an earlier successful surgery to treat back pain, and the surgeon wanted to remove some metal instruments that had been inserted in the previous surgery.

Matthew's progress through surgery and recovery was good, and he was noted to move all four extremities in recovery. However, after being moved to the orthopedic nursing unit of the hospital, Matthew experienced pain and numbness in his feet and weakness in his legs.

Throughout the afternoon and night, Matthew repeatedly complained to various nursing and hospital staff about severe pain, numbness, burning and tingling, and the inability to move his legs and feet—but no one contacted his physician.

By the time he was examined by his physician the next day, Matthew could not move his legs. The physician immediately obtained an MRI and scheduled emergency surgery.

While quick action would likely have prevented Matthew from sustaining permanent nerve damage, the nurses did not report his deteriorating condition to the physician, despite his repeated complaints.

The insurance industry and physician groups want the government to mandate caps on non-economic damages. They would set an arbitrary limit of \$250,000 on the damages someone like Matthew could recover for his non-economic losses. In Matthew's case, his losses include: being unable to walk independently or control



Matthew and his wife, Rose, have suffered losses of independence, income, home, and marital life.

his bladder or bowels; recurrent urinary tract infections from the self-catheterization he must perform to empty his bladder; and severe, intractable pain requiring multiple medications, including narcotics. Matthew cannot drive, travel or participate in normal social or household activities. He and his wife, Rose, have lost all expectation of a normal marital life because of his injuries. Rose has suffered permanent changes in her life by virtue of becoming her husband's primary caregiver.

Non-economic damages compensate patients for very real injuries, whether or not they have substantial economic losses, such as a lost salary. The government should not usurp the function of the jury by capping non-economic damages at any amount. ■