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Jury finds doctors liable in woman's death

By SALLY YORK, Argus-Press Staff Writer The Argus-Press

CORUNNA — A jury has awarded \$750,000 to the estate of an Owosso woman, saying she died because of an error made by physicians in the Memorial Healthcare emergency room.

A unanimous jury in the 35th Circuit Court delivered the verdict after a 10-day trial Jan. 31. Diana Miller, 49, died from a ruptured aortic dissection March 7, 2009, hours after she was misdiagnosed with pneumonia.

The defendants — Drs. Mark Schaar and Mark Thompson, and physician staffing firm Tri-County Emergency Physicians — were found liable for Miller's death.

Memorial Healthcare, originally named as a defendant in the suit, was dismissed from the case on the first day of the trial.

Miller's sister, Debbie Carrier of Owosso, said for her family the verdict confirmed their long-held conviction that something had gone very wrong in the emergency room.

"From the beginning, our goal was to get some kind of justice for my sister. The doctors had to be held accountable on some level," Carrier said Thursday. "The jury verdict was validation for what we knew to be true all along. My sister was a healthy woman. The pieces didn't fit together."

She thanked the jurors for their attentiveness and expressed gratitude to Miller's attorneys, Joel Sanfield and Brian Molde of the Detroit law firm McKeen & Associates.

"We were very pleased with the verdict. We felt we had a very strong case," Sanfield said Wednesday.

Miller and her husband, Gregory Miller, went to the Memorial emergency room on the night of March 6, 2009. Diana Miller complained of severe chest pain that radiated to her back, and had high blood pressure — what Sanfield called "the classic symptoms of aortic dissection."

Aortic dissection is a rare but potentially deadly tear in the aorta, the major artery carrying blood from the heart.

The physicians testified they considered aortic dissection, along with other conditions such as

pneumonia. A diagnostic test for aortic dissection was ordered, but Miller was allergic to the dye used in the test.

Sanfield said other tests such as an MRI could have been performed to rule out aortic dissection. However, those tests needed to be administered by a cardiovascular physician, and Memorial did not have one on staff.

“The issue came down to this: Why didn’t they stabilize the poor woman’s blood pressure and transfer her to another hospital?” Sanfield said.

Instead, the doctors diagnosed Miller with pneumonia, prescribed medicine and instructed her to follow up with her primary care physician. She was released from the hospital at 3:45 a.m. March 7, 2009.

Back at home, Miller continued to suffer from chest pain. Just before 7:30 a.m., she cried out and collapsed on the floor of the living room. Her husband called 911. She was pronounced dead in the Memorial Healthcare emergency room an hour later.

Sanfield said if Miller had been transferred to another hospital, and tested and treated for aortic dissection, she would have survived.

At the trial, attorneys for the doctors and Tri-County argued Miller would have died from the aortic dissection even if she had been diagnosed correctly.

The defendants’ attorney, Paul Manion of Detroit, said his clients plan to appeal the verdict.

“We were stunned and disappointed at the verdict,” Manion said Wednesday. “The doctors feel they complied with the standard of care with respect to Mrs. Miller. The verdict will be appealed.”

Jose Brown of Flint, attorney for dismissed defendant Memorial Healthcare, said Wednesday: “There was no finding of any wrongdoing with the running of the hospital, the nursing staff or any employees of the hospital.”

Memorial CEO Brian Long said Tri-County was replaced last year with a different emergency room staffing firm, Team Health. However, the Miller case “had nothing to do with” the decision.

Long said Thompson, who joined Team Health, continues to practice medicine in Memorial’s emergency room. Schaar, he said, left with Tri-County.

The CEO said he supports all the hospital’s physicians and other employees.

“We’re standing behind our physicians as being not just good, but excellent physicians,” Long said Wednesday. “We have full confidence in the services provided by the physicians in the emergency room area and in all the other services we deliver.”

Carrier said the legal process spanned five years but ultimately was worth it.

“My sister was a fighter,” Carrier said of Miller, the eldest of three sisters. “She was our champion, our mother hen. She protected us and watched over us to make sure everybody was safe and happy.”

For example, whenever Miller heard an ambulance siren, she would immediately call all her siblings to make sure they were OK, Carrier said.

“This was never, ever about money,” she said. “We had never been involved in anything like a lawsuit before. But it was our turn to defend her, the way she had always defended us. We couldn’t bring her back, but we had to put it right, on some level. It was aggravating and frustrating but it was worth it, for her.”

A large contingent of family members attended every day of the trial, Carrier said.

Miller worked for Bergun Brunswig Pharmaceuticals in Williamston for 15 years. Her survivors include three sons and three grandchildren.