

November 18, 2019

An ALM Publication

PENNSYLVANIA

PHILADELPHIA COUNTY

MEDICAL MALPRACTICE

Nurse; Failure to Treat; Failure to Monitor; Failure to Communicate

Psychiatric patient, unobserved, gouged out eye with hands: plaintiff

AMOUNT \$2,750,000
CASE Charles P. Williams v. Einstein Crisis Response Center
COURT Philadelphia County Court of Common Pleas, PA
DATE 11/18/2019

PLAINTIFF ATTORNEY(S) Thomas J. Duffy; Duffy + Fulginiti; Philadelphia PA for Charles P. Williams
Jamie L. Zadra; Duffy + Fulginiti; Philadelphia PA for Charles P. Williams

DEFENSE ATTORNEY(S) Gary M. Samms; Obermayer Rebmann Maxwell & Hippel LLP; Philadelphia, PA for Einstein Crisis Response Center, Albert Einstein Medical Center, Einstein Healthcare Network, Germantown Community Health Services, Belmont Behavioral Health, Judith Tran, M.D.
Katherine M. Robinson; Obermayer Rebmann Maxwell & Hippel LLP; Philadelphia, PA for Einstein Crisis Response Center, Albert Einstein Medical Center, Einstein Healthcare Network, Germantown Community Health Services, Belmont Behavioral Health, Judith Tran, M.D.

FACTS & ALLEGATIONS On June 17, 2015, plaintiff Charles Williams, 20, gouged out part of his left eye while he was a patient at Albert Einstein Crisis



Response Center, in Germantown. His eye was later removed.

Williams sued Albert Einstein Crisis Response Center, its affiliated entities and Judith Tran, a psychiatrist. Williams alleged that the defendants failed in their standard of care toward him. He further alleged that their failure constituted medical malpractice. On June 16, 2016, Williams was brought to Albert Einstein Crisis Response Center under an involuntary psychiatric commitment. Williams had a history of schizophrenia. During a patient intake, it was noted that Williams had “bizarre behaviors” and was “uncooperative.” Williams was then evaluated by Tran, who noted that he was “relentlessly pacing,” “distracted” and “talking to himself,” and that his responses to questions were “incoherent” and “irrelevant.” Tran recommended upholding the involuntary psychiatric commitment

and sought an inpatient placement. Tran further noted that Williams' insight and judgment were impaired, and she questioned whether he had auditory hallucinations, suicidal ideation or a head injury. The physician listed Williams' diagnosis as schizophrenia and severe chronic mental illness. She recommended routine observation.

Williams' counsel argued that Williams was given inadequate antipsychotic medication, and that a nurse checked on him only once per hour during patient rounds. Williams was not given a bed or a room, and was instead left in a large waiting room with other patients. According to his counsel, Williams spent the next 16 hours sitting up in a chair, surrounded by other patients of various ages and levels of mental illness, unable to leave and ignored by the medical staff. During his stay, Williams entered a bathroom and removed a portion of his left eye from his eye socket with his hands.

Williams' counsel argued that the defendants failed to treat Williams for his illness, failed to properly monitor and observe him, and failed to provide one-on-one observation knowing his impaired mental state. As a result of these gross deviations, Williams was able to go to the bathroom to remove a portion of his left eye from his eye socket with his hands, his counsel contended.

Williams' expert in psychiatry testified that Williams did not receive ongoing mental health assessments and should have been placed on a higher level of observation. According to the expert, Williams was not adequately monitored despite his mental health diagnosis and history, resulting in serious and permanent, yet preventable, self-injurious behavior. The expert stated that there was no handoff between Tran and the daytime attending physician, nor could any of the witnesses give the identity of the daytime physician who was on duty that day and responsible for Williams' care.

The defense maintained that the treatment administered to Williams was sufficient and adequate.

The defense's expert in psychiatry testified that the treatment Williams received was within the standard of care. According to the expert, Tran did a thorough evaluation of Williams and appropriately determined that he could be placed on routine observation. None of the information available to Tran at the time of her evaluation indicated that the patient posed a risk to himself or others. Williams was calm, had no injury to his eye and was compliant with treatment. The expert concluded that there was no need to place Williams on a more restrictive level of observation, and that what happened was unfortunate yet unpredictable.

INJURY TYPE *eye , other-face/nose, sensory/speech*

INJURIES/DAMAGES On June 17, 2015, Williams was discovered exiting Albert Einstein's bathroom with blood on his gown and bleeding from his left eye. He was transferred to a hospital, where he underwent surgery. His eye, however, was not salvageable, and he was later fitted with a prosthesis. Williams came under the care of an ophthalmologist, whom he saw periodically during the time of the trial.

Williams sought damages for past and future pain and suffering.

RESULT The jury found that the defendants were negligent and their negligence was a factual cause of harm to Williams. Williams was determined to receive \$2.75 million.

JUDGE: Sean F. Kennedy

TRIAL LENGTH: 6 days

EDITOR'S COMMENT

This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.