

## NEGLIGENT DELAY IN DIAGNOSIS RESULTS IN DEATH FROM EASILY TREATABLE FORM OF CANCER

**In spite of classic warning signs and known risk factors, the doctor delayed doing a biopsy for endometrial cancer.**

Steve and Sharon Diehl were married in August 1971. They had a unique and special relationship in which they were not only married, but spent each day and night together. They not only worked for the same company, but worked alongside each other every day, and shared lunch breaks together. They raised a family together, and over the 33½ years they were married they remained devoted to one another and to their family. Sharon was a successful and highly sought-after kitchen designer, with numerous national awards for her designs.

North Florida Women's Physicians had been Sharon's gynecologists for years. In March 2003, Sharon made an appointment to see Dr. Jean Cook at North Florida Women's Physicians in Gainesville, Florida, because of abnormal uterine bleeding. Sharon didn't know it - and Dr. Cook never told her - but the abnormal bleeding Sharon was experiencing was a textbook warning sign that endometrial cancer was present in her body. Sharon had multiple risk factors for endometrial cancer. She was over 50 years old, Caucasian, overweight, and had a history of irregular menstrual cycles. Following the examination, Dr. Cook assumed Sharon's abnormal uterine bleeding was caused by a minor, benign condition. Over the next three months, however, the doctor ordered two transvaginal ultrasound tests to be performed. Each test showed a thickening of the endometrium - yet another clue that Sharon had endometrial cancer. The doctor did not order an endometrial biopsy - a simple, safe, one-minute office test - which would have determined whether endometrial cancer was the cause of the bleeding. Six months later, in September

2003, Dr. Cook finally performed that simple, safe office test and diagnosed endometrial cancer. By that time, the cancer had spread to Sharon's right ovary and elsewhere in her body. After diagnosis, Sharon received treatment for the cancer at the University of Florida.

Endometrial carcinoma is the most common gynecologic cancer in the United States. American women have a 2.6% life-time risk of developing this cancer. Fortunately, because this common cancer declares its presence in a woman's body with abnormal uterine bleeding and is easily diagnosed with a simple, safe office test, it has an exceptionally high cure rate; most patients are cured with surgery alone. The five-year survival rate for a localized occurrence of this cancer is 96%. For regional or metastatic occurrences, the five-year survival rates are 66% and 25%, respectively. Because her doctor failed to act on the classic warning sign and risk factors, Sharon was deprived of a prompt and accurate diagnosis, and that delay in diagnosis caused her wrongful, tragic and preventable death. After a long and painful fight for life, Sharon died January 2, 2005, of metastatic endometrial cancer. She was only 53 years old.

Sharon is survived by husband Steve, son Brett, now 18 years old, daughter Heather Diehl Talton, and Heather's four-year-old twin sons - Sharon and Steve's only grandchildren. Brett was only 15 when his mother died. In the months before she died, Sharon talked to Brett about the importance of applying himself, and doing well by doing his best with the talents he had. Brett was a B and C student before his mother became ill. After his mother died, Brett has honored his mother by earning an A in every class he has taken. He is in his freshman year of college in the pre-med program, and is studying to be a doctor.

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**Sharon and Steve Diehl and their twin grandsons.**

## **Negligent delay in diagnosis results in death from easily treatable form of cancer**

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Steve, now 59 years of age, works the same job he worked alongside his wife for so many years. He is alone, without his life's partner, for the first time since he was a sailor in the United States Navy. Every day at work is a reminder of Sharon's absence. He works 70 hours a week. He has difficulty sleeping more than a few hours and often returns to his office as early as 3:00 a.m.

After Sharon's death, the family asked SDSBS to represent them in an action charging North Florida Women's Physicians and Dr. Cook with negligent delay in diagnosis of Sharon's endometrial cancer, which deprived Sharon of treatment when it would have saved her life. SDSBS attorneys Jim Gustafson and Bill Norton took the case to trial, and on October 12, 2007, a Gainesville, Florida jury returned a verdict in favor of Sharon's family and awarded \$2.1 million in damages. "We are grateful that the jury's verdict acknowledged this family's loss," said Mr. Gustafson, "but it won't change the fact that Sharon Diehl would be alive today had she not been diagnosed so late." ■



***Steve and Sharon Diehl in the 1970's.***