

# Surgeon's use of improper heart valve during surgery results in death

In 2013, Tracy Thompson (not her real name), a 53-year-old mother of three, was vice president of a home healthcare organization. Her husband, Michael, also worked in the healthcare field. They had just celebrated their 25th wedding anniversary and the birth of their first grandchild. Tracy's family described her as the glue that held the family together. Both Tracy and Michael were looking forward to retiring and moving to the mountains. That dream ended in May 2013 when Tracy died while undergoing what should have been a routine medical procedure.

Tracy had been scheduled for heart surgery at a hospital in Broward County, Florida. The surgery was expected to take only a few hours, and the doctor told the couple that Tracy would be out of the hospital within a day or two. The morning of the surgery, as Tracy was wheeled into the operating room, Michael told his wife that he loved her. A few hours later, Michael was told that his wife had died on the operating table. The surgeon told Michael that he had "no idea what had happened." Shortly after the tragic event, a nurse at the hospital submitted

an anonymous complaint to the Florida Department of Health, stating that the surgeon had used an incorrect size of valve to repair Tracy's heart. The error ultimately caused her death.

Michael contacted SDSBS attorneys **Chris Searcy** and **Karen Terry** and asked if they could help him find out what had gone wrong during his wife's surgery. The hospital admitted liability, although they would not say what they or the surgeon did incorrectly. In Florida, admitting liability is significant because Florida Statute §766.207 allows a defendant to cap the amount of damages that the plaintiffs can recover simply by admitting liability for their negligence. However, defendants are under no obligation to tell plaintiffs what went wrong.

Ms. Terry went to battle against the hospital in an effort to settle the case before a three-day binding arbitration. Through her efforts, the Thompson family reached settlement with the hospital for a confidential sum which was close to the maximum amount that could have been received at arbitration.

Although Michael may never know precisely what went wrong in the operating room on that fateful day, he takes comfort in knowing that the last thing his wife heard him say was how much he loved her. ♦

**A nurse at the hospital submitted an anonymous complaint to the state health department, which revealed the mistake of an incorrect size of valve during heart surgery.**



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