

The doctor will not see you now

City is low on neurosurgeons, losing obstetricians

By Naomi Snyder, Caller-Times

When Denise Payne walked into an emergency room recently, the doctors wanted nothing to do with her.

"They didn't want to touch me because I was pregnant," said the 38-year-old, who was six weeks along at the time.

Fearful of lawsuits, some doctors in Corpus Christi are shunning certain cases. Doctors are leaving town, screening their patients and restricting their practices to reduce their risk of lawsuits. Pregnant women and children are particularly vulnerable, as some doctors avoid them when they get seriously ill.

More doctors are avoiding emergency call duty.

There is much debate about whether the lawsuit crisis is real or a convenient excuse for insurance companies to raise rates. One thing is clear, though: Doctor fear of lawsuits is beginning to affect those most in need of care.

Payne found out about that in mid-April. Not much more than a month pregnant, she had gained 19 pounds in the course of a few days. Her ankles swelled and tingled.

Soon, she began having trouble breathing and went to the emergency room with fluid filling her lungs. A cardiologist ordered tests and found that the problem was with her kidneys.

She was told she needed a kidney biopsy but no one wanted to perform it, citing lawsuit fear. One doctor sat down with her and her husband, George, and claimed that a certain lawyer in town makes tens of millions of dollars a year in settlements from doctors. Then he said: "Now you understand why your wife can't get any care."

The most recent statistics from the

Department of Insurance show that about nine malpractice lawsuits per month were filed in Nueces County in 1999. The county has one of the highest malpractice claim rates in the state.

'A time bomb'

Statistics from the Texas State Board of Medical Examiners don't show an exodus of doctors from Corpus Christi. In fact, the January 2002 report lists 729 doctors in Nueces County, almost 100 more than in 1997.

But the president of the Nueces County Medical Society, Burk Strong, said the figures may not be up-to-date and aren't truly reflective. Some doctors just announced plans to retire or leave town, or they moved recently and haven't been taken off the state board list. The list shows three infectious disease specialists in Nueces County, when Strong could think of only one.

While there may be no evidence of a shortage of physicians, there is evidence that some doctors are refusing to see certain kinds of patients who need them most.

Christine Canterbury, an obstetrician/gynecologist, knows patients who have been sent to San Antonio or Houston because specialists in Corpus Christi refused to see them.

"I don't blame them for not wanting to see them," she said. "They don't want to touch a time bomb."

Avoided by specialists

Sick pregnant women are considered an especially high liability. The statute of limitations for filing a lawsuit on a child's behalf lasts two years past the child's 18th birthday. So a doctor could be sued 20

years after someone's baby is damaged in the womb.

Many in the medical community also share the perception, whether real or imagined, that juries feel so sorry for disabled children that they award damages just to make the family feel better. What does this mean for a pregnant woman critically in need of care? For one, there's the possibility that a doctor will refuse to try to save the mother's or the child's life. The truth is, they can do this.

Some doctors are obligated to see patients if they have a prior patient-doctor relationship or are on call at a hospital. But a specialist whose expertise is needed in a complicated case often can refuse. Obstetricians say they have an especially difficult time getting a lung specialist or a blood specialist to see their patients. The city's hematologists, who deal in blood diseases, and nephrologists, who deal in kidney problems, have told Strong they won't see pregnant patients.

Getting a doctor

Perhaps the most frequently called specialist during an emergency is a pulmonary specialist. The lung and respiratory doctors are needed when someone has trouble breathing or has stopped breathing. "We are called to the absolute worst cases that are out there," one said.

But one group of five on-call pulmonary doctors has said it won't take pregnant patients.

"We hate to do this," said Dr. Robert Wang, a member of the group, in May.

Wang said a few days later that he changed his mind and would take pregnant patients, although the rest of his group would not.

Continued on next page

The other group of on-call lung doctors in town has stopped taking any calls at the Corpus Christi Medical Center, which includes Bay Area, Heart, and Doctors Regional campuses.

Dr. William Burgin said his group stopped going to the Corpus Christi Medical Center partly because of lawsuit fear. He said his practice primarily was at Christus Spohn Health System and he wanted to be nearer to his patients there. He said the decision had nothing to do with lawsuits at the Medical Center per se.

"I couldn't afford to be taking care of someone on the south side and then be called to the north side," he said. "It doesn't look good for a court to ask you: 'Why did it take you 45 minutes to get there when they told you it was an emergency?'"

Are you a dangerous type?

Burgin also is among doctors who screen their patients, hoping to weed out people who might sue him. Patients who have switched doctors are a warning sign for him, unless they have a good excuse. He avoids patients who challenge him with information they get over the Internet or whose families take copious written notes or photographs during examinations.

"It isn't always the patient (who will sue you)," he said. "It's frequently the patient's family."

Wang also does some screening.

Most patients he decides case-by-case, but an obvious one to avoid is someone who ran into complications during surgery. "They'll be upset anyway," he said. Screening may deprive of critical care the people who need it most. Most doctors, fearing another potential avenue for lawsuits, declined to describe specific instances in which they refused to care for a patient.

But some were willing to admit that they won't do certain procedures.

Dr. Bryan Gulley, a Corpus Christi oral surgeon, said he doesn't do cleft palate surgery or jaw joint surgery. Even though

he has been a surgeon for more than 20 years and thinks himself experienced enough to do the procedures, he figured he'd pay less in malpractice insurance if he didn't do the complicated surgery.

That wasn't good news for Tomala Green, a 40-year-old with jaw problems who may need surgery in a few years.

"I'm scared to death I'm going to wake up with lockjaw," she said. "Am I going to get treatment when the day comes?"

The problem is not new.

About 10 years ago, a 12-year-old boy arrived in an emergency room in the Rio Grande Valley when Corpus Christi emergency room doctor David Gray was on duty. The boy had a testicular torsion. He needed a urologist to do surgery within a few hours or the boy's testicle could not be saved.

The one urologist available was hanging out in the surgeon's lounge. He told Gray he wouldn't treat children because he was close to retirement and didn't want the risk of lawsuits far into his old age. Gray cursed the doctor, walked back to the child's father and told him there was nothing he could do. The boy lost his testicle.

In obstetric care, the problem is growing.

Although it's common for older obstetricians to give up the late, unpredictable hours of delivering babies and focus exclusively on gynecology, the city isn't making up for its losses.

Canterbury counts eight of the specialists who have given up obstetrics in the past two and a half years and only three new obstetricians.

And some of the ones who won't deliver babies say it's because of fear of lawsuits and the rising cost of malpractice insurance.

Dr. Dale Eubank will quit delivering babies Oct. 1 and already has stopped taking new pregnant patients.

He has been sued five times in five years, and each time was dropped from the lawsuit without a settlement. In three of

the lawsuits, he had never seen the patient.

Some of his patients have pleaded with him to deliver their babies, promising not to sue, but to no avail.

Leaving town

Nicole Winstead, who lives in Jim Wells County, begged and broke down crying in Eubank's office when he told her he couldn't help her. Eubank had delivered her two previous children, she had been seeing him for eight years, and she trusted him.

"My heart was broken," said the 27-year-old, who hadn't yet found another doctor. "I thought I would be able to talk him into delivering my baby."

Instead of just restricting their practices, other doctors are leaving town.

Family practitioner Dr. Al Lira grew up in Corpus Christi and practiced in the city for more than seven years. But he took his wife and three children to Hutchinson, Minn., a year and a half ago, partly for fear of lawsuits.

Gray, the 52-year-old emergency room doctor, has been in Corpus Christi for 25 years. But he plans to leave and already spent three months in Colorado test-driving a new practice there.

"I'm angry, angry, angry," he said. "I resent being run off from my own community."

Fewer neurosurgeons

There still may be plenty of emergency room doctors and family practitioners in Corpus Christi without Gray or Lira.

But that's not so true when it comes to a critical specialty - brain surgery.

Dr. Philip Willman decided to retire after his business partner and fellow neurosurgeon Dr. Alejandro Echeveny announced his retirement this year because of eye problems.

That leaves three neurosurgeons in Corpus Christi to cover all six hospitals.

Willman, 60, watched his malpractice insurance rise from \$40,000 to \$90,000 annually last year.

"I just don't feel like it's worth fighting the whole thing anymore," he said.

He stopped taking emergency calls May 30.

When Dr. Michael Gieger arrived in Corpus Christi in 1995, he was one of five neurosurgeons. Now, he's one of three taking patients.

He has been trying to get another neurosurgeon to move to Corpus Christi for more than a year, advertising in national professional magazines. Only two were willing to come for an interview and neither took the job.

If Corpus Christi loses one more neurosurgeon, Spohn Memorial will lose its trauma center certification because it wouldn't be able to handle the emergencies around the clock. The certification says the hospital can handle higher-level emergencies such as penetrating injuries to the head and neck, and amputations.

Gieger often does surgeries in the

middle of the night and then gets up and goes to work again the next morning. Since he's now on call every other night and every other weekend, Gieger isn't sure when he'll get a vacation.

He's also afraid. Life or death for a serious brain injury is a matter of minutes. Without a neurosurgeon available in an emergency, someone might not have enough time to fly to San Antonio or Houston.

"Our concern is people are going to die en route," he said.

Luckly for Denise Payne, the delay in getting treatment didn't kill her. The pregnant woman who couldn't get a kidney biopsy in Corpus Christi ended up getting one in San Antonio. She was diagnosed finally with a degenerative kidney disorder and probably will need a transplant.

She doesn't blame her doctors for what happened.

"I would say it's because of all the

lawyers scaring the doctors," she said. "They're scared to death to treat you."

But is a doctor who won't see the people most in need of care still a doctor? Clearly, it isn't an easy decision for most of them.

Wang, the lung specialist, had a change of heart after an interview on the subject and decided to take pregnant patients again. And some physicians, when pressed, will agree to take on critical cases they've sworn they won't take.

Still, the fear level, and the weariness, are high.

"Over the years, we've tried to provide care as best we can," Wang said. "But we no longer can. We can only carry so much weight."

Contact Naomi Snyder at
886-4316 or snyderp@caller.com