

Family wins \$6.6M in malpractice suit

Area doctor admits fault in 1997 death of infant

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A local doctor whose practice is affiliated with Phoenixville Hospital admitted his negligence yesterday in a \$6.6 million wrongful death lawsuit of young Steven Donnelly. Dr. Maurice Rozwat, a pediatrician for PMA Medical Specialists, South Main Street, Phoenixville, admitted his failure in July of 1996 to visit the newborn baby in the hospital despite late-night information that the baby was exhibiting life-threatening symptoms.

Those symptoms continued into the next morning and only then was Donnelly sent to Thomas Jefferson University Hospital for emergency surgery. But by then, it was too late, said Tom Kline, attorney for the plaintiffs, Wayne and Suzanne Donnelly, the child's parents. Complications resulted and, after 16 months and six surgeries, the baby died. "The baby went on to live a life of horrid pain and suffering," Kline said.

The litigation lasted for a mere seven days. The settlement money is being paid for by the insurance companies of Clinical Care Associates of the University of Pennsylvania, Rozwat's PMA Medical Specialists and Phoenixville Hospital. The hospital is a part of the University of Pennsylvania's medical system. The public settlement, however, did not result in any kind of suspension or revocation of Rozwat's license to practice medicine. Rozwat could not be reached yesterday for comment. Wayne Donnelly said he was relieved the trial was over, but had mixed emotions about the judgement. "This wasn't about money," he said, "We feel a little bit vindicated, but the money doesn't bring back our son. I don't know if you can describe today as being happy." Donnelly would not comment on what he thought about Rozwat as a doctor.

Kline said it is very unusual for doctors and hospitals to admit negligence in a wrongful death case. Rozwat's attorney, Mike McGilvery, said the fatal error his client committed should not diminish his reputation. "Today was the end of a tragic case," McGilvery said. "But from Dr. Rozwat's perspective, he's a good physician and a good man who, on that night, did not recognize symptoms of a serious abdominal problem."

Phoenixville Hospital and was examined by two pediatricians during the day, including Rozwat. No serious complications were found during that period. Rozwat was on call during the night. At midnight, nurses at the hospital discovered Donnelly spitting up green mucous that was later revealed to be the result of Donnelly's bowels being twisted. "It's like a garden hose being twisted up. Water can't get through so it has to be discharged through the mouth," Kline said. Kline said green mucous is known and reported in basic medical teaching to constitute a basic

medical emergency. However, when nurses alerted Rozwat of the symptoms via a telephone call to his home at midnight, Rozwat only ordered a blood test, Kline said.

Nurses called Rozwat again at close to 2 a.m. on July 10, reporting the blood tests were abnormal, Kline said. Rozwat, who lived only 10 minutes from the hospital, did not feel the situation was urgent enough to make a personal diagnosis at the hospital, Kline said. Donnelly's bowel blockage persisted until the morning when Rozwat's partner, Dr. Amy Siegel, discovered the seriousness of the newborn's condition. He was rushed to Thomas Jefferson Hospital, but the damage had already been done. "The baby's intestines were destroyed," Kline said.

Following Donnelly's emergency surgery, he would receive intravenous fluids for the rest of his short life. He died November 19, 1997. McGilvery said the condition was deadly, but very rare. He said it could not be proven whether his client's negligence resulted in the baby's death. But, in a legal sense, McGilvery said the lost time in treating the patient resulted in the legal outcome. "Had it been recognized, maybe they could've saved him, maybe they couldn't," McGilvery said. "But legally, the delay may have caused the death." Phoenixville Hospital spokesperson Scott Lux released the following statement yesterday: "Phoenixville Hospital, Clinical Care Associates of the University of Pennsylvania Health Systems and one of its physicians have agreed to a financial settlement related to the care of Steven Patrick Donnelly," Lux said. "In addition, Penn Health Systems offers its deepest regrets and heartfelt sympathy to the parents and family of young Steven Patrick Donnelly." According to McGilvery, the breakdown of the settlement payments to the family is \$1.3 million in medical bills, \$2.7 million representing Steven Donnelly's approximate, expected, life-time wage losses and \$2.6 million in pain and suffering.