

# Blind boy gets \$20 million in lawsuit

*Hospital and doctor largely to blame for his condition, jury finds.*

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A 6-year-old Richlandtown boy who went blind after his premature birth at Abington Memorial Hospital has been awarded \$20 million by a Montgomery County jury, which decided the hospital and a doctor there were largely responsible for the boy's condition.

The unusually large verdict was awarded by a jury of six men and six women at the conclusion of a four-week trial last week before Common Pleas Court Judge Thomas C. Branca.

Court officials in Montgomery County and neighboring Bucks County said Tuesday that the verdict is the largest in the region in recent memory.

But Shanin Specter, the Philadelphia attorney who represented the boy in court, said he "wasn't a bit surprised" by the jury's decision.

"Twenty million dollars is about right for the injury," said Specter, adding that his client is "totally blind." "You can't replace someone's eyes with money but he can be taken care of for the rest of his life. He ought to be able to have a good quality of life."

The jury found Abington Memorial Hospital was 60 percent responsible for the boy's blindness and Ara S. Moomjian, a neonatologist at Abington, was 35 percent responsible. The hospital had not decided Tuesday whether to appeal, said hospital spokeswoman Linda Millevoi.

John J. Kelly, Abington Memorial Hospital's chief of staff and chief patient safety officer, said in a written statement the hospital's administration and staff were "deeply saddened" by the boy's tragic injury.

"The circumstances of this child's care have been thoroughly reviewed," Kelly said in the statement. "Our hospital's number one priority is providing the safest care possible. We pledge to work harder than ever to improve the safety of care we provide our patients."

The jury also found the Huntingdon Valley practice of Harold Koller, who was the child's pediatric ophthalmologist, to be 4 percent responsible and Pennridge Pediatrics of Sellersville to

be 1 percent responsible. The attorney who represented Pennridge Pediatrics was unavailable for comment.

The boy, Emmitt Lee, developed retinopathy of prematurity when he was born at 26 weeks' gestation in June 2000. A common complication of prematurity, the eye condition can be cured with a single, brief laser procedure, according to Specter. But because the child wasn't scheduled properly for an ophthalmologist's appointment, he lost his eyesight, Specter said.

Emmitt was born June 2, 2000 and was first visited by Koller July 11. No retinopathy of prematurity was detected then. Two weeks later, Koller detected Stage 1 of the disease. Koller wanted to see the boy again in two weeks, which would have been Aug. 8, 2000.

On Aug. 7, Moomjian wrote an order for Koller to see the child, but the baby was discharged Aug. 8 before Koller examined him. Moomjian told the baby's parents to make an appointment with the eye doctor, which the baby's mother did on the morning of Aug. 9. But the appointment was set for Aug. 30, by which time the child was blind. There was some confusion as to whether the appointment was urgent or not, Specter said.

Nonetheless, the hospital had a written policy dictating that appointments required after discharge be scheduled before discharge, according to Specter.

A nurse testified hospital staff "routinely did not follow the guidelines," Specter said.