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## Suit filed over stent seen as unnecessary

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A patient who was told by Pennsylvania Hospital that her cardiologist may have placed an unnecessary stent has filed a malpractice suit against the doctor, the hospital, and the University of Pennsylvania Health System.

Early last month, Penn announced that it had notified patients, federal authorities, and state regulators of its review of a sample of stent procedures performed by Vidya Banka over a five-year period. The review concluded that about 20 patients may not have needed the devices - small mesh tubes used to prop open clogged blood vessels.

Banka, 71, who gave up his medical privileges at Pennsylvania Hospital due to the review, is now considering suing the hospital because its actions have jeopardized his ability to continue practicing medicine, said his Philadelphia lawyer, Patricia Pierce.

The malpractice suit was filed Wednesday in Philadelphia Common Pleas Court on behalf of Cynthia Justice, 51, who lives in the city's Olney section.

Banka placed a stent in Justice in June 2009 after she experienced shortness of breath, according to her legal complaint and her Philadelphia lawyer, Shanin Specter.

The letter from the hospital, which is included in her legal filing, said: "While your personal treatment was not part of the sampled cases, we wanted you to be aware of our findings so that you could discuss this information with your physician."

The letter offered - and she accepted - a free evaluation by the hospital's cardiologists. They concluded her stent "appeared to be inappropriate," based on the narrowing of her vessel.

Specter said Justice has not had any complications from the stent, but will need blood-thinning therapy for the rest of her life "and has a foreign body" in her chest.

Her suit accuses Banka of fraud, misrepresentation, and negligence, and seeks compensatory and punitive damages.

Pierce, Banka's lawyer, said the hospital sent letters to 700 of his patients, yet still has not given him any information about which patients and which procedures are in question.

Some patients are standing by Banka.

Helen Levin, a Philadelphia public defender, said her mother, Lois, an octogenarian living in Florida, was upset by the letter from the hospital. Banka performed a blockage-clearing angioplasty and placed a stent in the elderly woman following a heart attack.

"No one else was willing to do a stent unless my mother would agree to have coronary bypass" as an emergency fallback, Levin said. "My mother said she would rather die than have a bypass. Now, she goes to yoga, takes care of my dad, and is completely independent."

Jay Patel, a hand and plastic surgeon in Bristol Township, said his medical background has enabled him to critically assess Banka's care since 1997.

"I have found him to be extremely conservative," said Patel, who has had eight stent-placement procedures from Banka.