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Hospital death leads to \$775K settlement

■ BY MATTHEW CHANEY
mchaney@sclawyersweekly.com

The family of a man who died of internal bleeding in the early morning hours after Christmas at the Medical University of South Carolina has settled a wrongful death claim in Charleston County Superior Court for \$775,000, the family's attorneys report.

John Kassel of Kassel McVey in Columbia said that Blanton Drake Jr. died in the early morning hours of Dec. 26, 2016, after nursing staff failed to take appropriate action to stop an ongoing gastrointestinal bleed.

His widow, Julia Drake, alleged that her husband didn't get a necessary blood test to measure his hemoglobin levels after a blood transfusion and that nursing staff failed to recognize obvious signs of an ongoing bleed, leading to his death.

Blanton Drake showed up at the hospital on Christmas Eve after noticing blood in his stool. He was evaluated, rehydrated, and discharged that night before returning Christmas day for the same issue. He was admitted to the hospital that day, and a colonoscopy was ordered for the following morning.

Over the course of the evening Drake showed signs of active bleeding, Kassel said. His stool remained red in repeated trips to the bathroom during preparations for the colonoscopy, and his hemoglobin levels dropped below 7, triggering the need for a transfusion, while he continued to have an increased heart rate and low blood pressure. Even after receiving the transfusion, his vital signs remained abnormal, but no physician was contacted and his hemoglobin levels went unchecked.

Nursing staff checked Drake's vital signs at 1:30 a.m. on Dec. 26, at which point he had an elevated heart rate and low blood pressure, both of which are signs of an active bleed, Kassel said. He



John Kassel



Theile McVey

then went unchecked until 5:45 a.m., at which time he was found unresponsive and declared dead. An autopsy showed he died of internal bleeding.

The nurse and nurse manager who treated Drake testified that his failure to clear his bowels before the colonoscopy was a good sign that meant he wasn't actively bleeding, but a gastrointestinal specialist for the plaintiffs opined that it was actually evidence of an

ongoing bleed which, coupled with the abnormal vital signs, required nursing staff to contact the on-call physician.

The expert said that had the physician been called, he would have likely realized that Drake was bleeding and ordered repeat transfusions and treatment to stop it, and that Drake would have likely survived.

"What was striking in this case was how wrong the nursing staff was in their evaluation of Mr. Drake," Kassel said. "They misread the failure to clear as a good sign, which seems to a lay person as counter-intuitive. If one continues to produce red bloody stools despite hours of drinking the awful bowel prep [for a colonoscopy], that might indicate an ongoing bleed requiring investigation. They got it backwards despite years of experience."

Kassel said that the fact that MUSC paid an amount larger than the nursing cap allowed by the South Carolina Tort Claims Act indicates their recognition that physicians played a role in their failure to order blood work and the ap-

SETTLEMENT REPORT — WRONGFUL DEATH

Amount: \$775,000

Injuries alleged: Death

Case name: *Julia Drake as Personal representative of the estate of Blanton Maurice Drake Jr. v. Medical University of South Carolina*

Court: Charleston County Circuit Court

Case No.: 2019-CP-10-02579

Judge: Thomas Hughston Jr.

Date of settlement: March 19, 2019

Special damages: \$750,000 for wrongful death, \$25,000 for survival action for conscious pain and suffering

Insurance Carrier: South Carolina Insurance Reserve Fund

Attorneys for plaintiff: John Kassel and Theile McVey of Kassel McVey in Columbia

Attorneys for defendant: Darren Sanders of Buyck, Sanders & Simmons in Mount Pleasant

propriate level of monitoring. Also, the fact that the death happened on Christmas was significant, Kassel said.

"There have been studies as well as anecdotal evidence that suggest the holidays are a more dangerous time to be in a hospital," he said.

Darren Sanders of Buyck, Sanders & Simmons in Mount Pleasant represented the MUSC. He did not immediately respond to requests for comment. MUSC denied all liability in settlement documents.

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