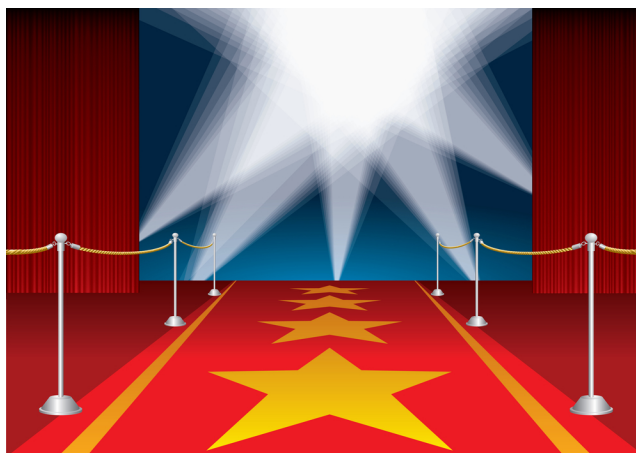


*Center for Justice & Democracy's*



***TOP 22 CELEBRITIES  
HARMED BY MEDICAL MALPRACTICE***

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# *TOP 22 CELEBRITIES HARMED BY MEDICAL MALPRACTICE*

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## INTRODUCTION

Medical errors, most of which are preventable, are the third leading cause of death in America.<sup>1</sup> That statistic probably comes as no surprise to many since:

- “Four in 10 adults have experience with medical errors, either personally or in the care of someone close to them.”<sup>2</sup>
- “Nearly three-quarters [73 percent] of patients say they are concerned about the potential for medical errors.”<sup>3</sup>

But what may be surprising is this: the problem of medical negligence is so entrenched and universal that even wealthy celebrities who can afford most comforts in life cannot protect themselves from it. In fact, the lives and careers of some of our most beloved entertainment and sports figures have been cut short as a result of routine medical negligence – the type of negligence that Americans experience every day. This report details some of the most tragic examples of celebrity medical malpractice, each of which has been documented by a lawsuit and/or a medical board sanction.

Of course, not every instance of medical malpractice – whether committed against a famous or non-famous person – results in accountability for the hospital or physician. Few patients file claims, even fewer file lawsuits,<sup>4</sup> and the dangerous provider is almost never sanctioned or prevented from practicing by a medical board.<sup>5</sup> Unless there is serious injury or death – and sometimes even if there is – patients usually move on. More typical may be the experience of 23-time Grand Slam tennis champion Serena Williams, who had to save her own life in the face of inattentive medical personnel that initially dismissed her legitimate concerns about lethal blood clots following the birth of her child.<sup>6</sup> She was fine at the end of the ordeal. The only difference between her experience and that of everyday people is that her story became news. Most instances of preventable errors do not.

It should also be noted that sometimes, celebrity status can make things worse for patients. Take Joan Rivers, who died in 2014 after what should have been a routine throat procedure at a New York endoscopy clinic. According to the medical malpractice complaint filed by her daughter Melissa, “Joan Rivers' doctors were so busy taking cell phone pictures of their famous patient that they missed the moment her vital signs plummeted – and they ignored pleas from the anesthesiologist to halt the procedure.”<sup>7</sup>

Another problem celebrities share with the general public is the over-prescription of opioids and other drugs. Now considered a national crisis,<sup>8</sup> opioid addiction caused by the negligent

prescription of drugs has been part of celebrity culture for years, as doctors “cater to ‘the demands of wealthy and/or famous drug-seekers.’”<sup>9</sup> This practice has led to the premature deaths of legendary entertainers like Elvis Presley, Marilyn Monroe and Judy Garland, to name just three. The stories surrounding each of their deaths were typically told as cautionary tales of stardom gone horribly wrong. But their stories can also be recognized for something else, namely negligent prescribing physicians whose conduct rises to the level of medical malpractice. (See more in-depth discussion of Presley and Monroe later in this report.)

Judy Garland’s story of physician-created addiction typifies the complete lack of accountability that many 20th century doctors faced for creating decades of drug dependency and ultimately the death of celebrity patients. Garland overdosed in her bathroom on June 22, 1969 at age 47. For years, she had been following a drug regimen, which “led to full-blown addiction and a series of nervous breakdowns.”<sup>10</sup> In the March 2018 article, “Golden Age Hollywood Had a Dirty Little Secret: Drugs,” *HISTORY* explained that “[o]ver the years, as Garland became a bigger star, she was prescribed pills by MGM studio doctors to control both her weight and her energy levels.”<sup>11</sup> As Garland described it,

“They’d give [me and Mickey Rooney] pills to keep us on our feet long after we were exhausted.... Then they’d take us to the studio hospital and knock us out with sleeping pills...then after four hours they’d wake us up and give us the pep pills again so we could work 72 hours in a row. Half of the time we were hanging from the ceiling but it was a way of life for us.”<sup>12</sup>

In this century, a perhaps more aggressive attitude has developed towards holding doctors accountable for negligent over-prescription.<sup>13</sup> In 2002, for example, California physician Jules Mark Lusman’s medical license was revoked “for prescribing addictive drugs to celebrities” including Winona Ryder and singer-actress Courtney Love. Similar actions were taken, or lawsuits were filed, against physicians at least partly – if not fully – responsible for the drug-related deaths of Michael Jackson, Prince, Anna Nicole Smith and 3 Doors Down guitarist Matt Roberts, whose stories are described later in this report. Of course, nothing was done in time to save their lives.

Finally, an additional set of problems arise concerning women’s health. As law professor Lucinda Finley has written, it is generally true that “[r]eproductive or sexual harm caused by drugs and medical devices has a highly disproportionate impact on women, because far more drugs and devices have been devised to control women’s fertility or bodily functions associated with sex and childbearing than have been devised for men.”<sup>14</sup> This has occasionally led to abuse by negligent doctors who take advantage of vulnerable women, and wealthy celebrities have not been immune. In fact, they may be even more susceptible to it, especially if a doctor

is enamored with fame and builds a medical practice around their treatment of celebrity patients.

For example, in 2000, the NYS Department of Health suspended the medical license of Dr. Niels H. Lauersen for “negligence, incompetence, fraudulent practices and moral unfitness.”<sup>15</sup> Lauersen was “a well-known fertility specialist with a busy, celebrity-favored practice,” who apparently would “brag” about his celebrity patients including “Celine Dion, Liv Ullmann and Geraldo Rivera's former wife, Kiki.”<sup>16</sup> Lauersen “attracted a nearly cultlike following as he moved from hospital to hospital” and “was among the busiest gynecologists in the state, despite a spate of malpractice lawsuits and government investigations.”<sup>17</sup>

And as recently as September 2018, “a Santa Monica doctor who touted a controversial menopause therapy on the Oprah Winfrey Network and received testimonials for her work from such celebrity patients as model Cindy Crawford and actress-author Suzanne Somers” was “disciplined by California’s medical board for gross negligence.”<sup>18</sup> Because of a settlement, she is “no longer allowed to promote herself as a specialist in hormone therapy, an OB-GYN or an endocrinologist.”<sup>19</sup>

In sum, health care in the United States can be incredibly unsafe, and this is true even for well-known actors, singers, musicians, athletes and other personalities. As this report shows, wealth and fame cannot shield someone from being victimized by a preventable medical error. Here are the top 22 celebrity victims of medical malpractice (listed alphabetically).

## 1. JULIE ANDREWS



A NEGLIGENT THROAT PROCEDURE CAUSED PERMANENT DAMAGE, ENDING THE OSCAR-WINNING ACTRESS' SINGING CAREER.

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In 1997, Andrews underwent surgery at NYC's Mount Sinai Hospital to remove non-cancerous nodules in her throat after experiencing voice problems while starring on Broadway. The procedure ended her singing career. "Singing has been a cherished gift, and my inability to sing has been a devastating blow," Andrews said in a statement. She filed a lawsuit, claiming she had not been told "the operation carried the risk of permanent hoarseness, 'irreversible loss of vocal quality' or other complications that might leave her unable to sing." The complaint also alleged that the doctor operated on both sides of her vocal cord when there was "no reason to perform surgery of any kind" on the right side. The case settled in 2000 for an undisclosed amount.<sup>20</sup>

## 2. MARTY BALIN



JEFFERSON AIRPLANE'S CO-FOUNDER AND LEAD SINGER ENTERED A HOSPITAL FOR HEART PROBLEMS AND LEFT WITH HALF A TONGUE, A PARALYZED VOCAL CORD AND AN AMPUTATED THUMB, ENDING HIS CAREER.

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(Photo: Carl Lender)

In March 2016, Balin was admitted to a NYC hospital ER with cardiac problems and had emergency open-heart surgery. Three months later, he left the facility with half a tongue, a paralyzed vocal cord and an amputated thumb. Balin filed a lawsuit against the hospital and



several doctors, claiming his career-ending injuries were the result of a botched tracheotomy performed while he was recovering from heart surgery and an inadequately-staffed ICU. The case is pending.<sup>21</sup>

### 3. DANA CARVEY



THE COMEDIAN'S NEGLIGENT HEART SURGEON OPERATED ON THE WRONG ARTERY, CAUSING SERIOUS ILLNESS AND LONG-TERM RECOVERY.

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When Carvey had a double-bypass operation to clear a blockage in 1998, his heart surgeon at Marin General Hospital operated on the wrong artery. Because of the error – discovered two months later – the 42-year-old comedian underwent an emergency angioplasty that took six months of recovery. He sued the doctor for malpractice. “I didn’t want to go to court, and I don’t seek this kind of publicity,” Carvey told *People Magazine*. “But I felt this was a matter of right and wrong. There was no letter of apology or explanation, no phone call. I wanted to be satisfied that the surgeon would not be hurting someone else and would acknowledge his error.” In 2000, the case settled for an undisclosed amount, which Carvey donated to charity.<sup>22</sup>

### 4. GLENN FREY



THE EAGLES GUITARIST AND CO-FOUNDER DIED AFTER NUMEROUS HOSPITAL MISTAKES SURROUNDING HIS ULCERATIVE COLITIS AND OTHER MEDICAL CONDITIONS.

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Frey died in early 2016 after seeking medical treatment at a NYC hospital for ulcerative colitis and other ailments in Fall 2015. His widow filed suit against the gastroenterologist and hospital, alleging a myriad of medical mistakes, including failure to promptly diagnose and treat several medical conditions leading to severe illness, pain and mental anguish until he died. The case is pending.<sup>23</sup>

## 5. MAURICE GIBB



THE BEE GEES' STAR DIED AFTER A FLORIDA HOSPITAL FAILED TO NOTICE THAT HIS BOWEL AND INTESTINE WERE TWISTED.

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53-year-old Gibb died three days after checking himself into Miami Beach's Mount Sinai Medical Center for stomach pains in 2003. His intestines burst the first night, causing cardiac arrest. As Robin Gibb told the *Scotsman*, it "took more than 10 minutes to retrieve the equipment to restart his brother's heart, by which time he had suffered massive brain damage." Maurice's bowel and small intestine had become so twisted they restricted his blood flow, a condition that went undetected by doctors, according to his brothers. The family reportedly settled with the hospital out of court for an undisclosed amount.<sup>24</sup>

## 6. PETE HAMILTON



THE FORMER NASCAR CHAMPION'S DOCTOR LEFT SURGICAL EQUIPMENT IN HIS BROKEN SHOULDER AND COMMITTED OTHER HORRENDOUS SURGICAL ERRORS, CAUSING AGONIZING PAIN AND MULTIPLE COMPLICATIONS.

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(Photo: Skeensss)

While on a 2014 holiday visit to Georgia, Hamilton fractured his left humerus just below the shoulder joint. The on-call ER trauma surgeon at Gwinnett Medical Center performed an internal shoulder procedure. Hamilton was in severe pain afterward but was assured by the surgeon that everything was fine. When Hamilton returned home to Maine, he suffered intense pain for two months. An X-ray revealed that: 1) the trauma surgeon had left a plastic drill guide in Hamilton's shoulder; 2) two of the screws had partially "backed out" of the bone; and 3) the plate used in the procedure was not properly aligned. Hamilton needed reverse partial shoulder replacement surgery but had to wait three months since he was on heart medication following mid-2014 heart surgery. Hamilton had the shoulder replacement operation but suffered a heart attack in the recovery room. He filed a lawsuit against the Georgia trauma surgeon alleging the above facts, also claiming that the required reverse shoulder replacement "left his arm so weakened and with such a limited range of motion he could no longer perform routine daily simple tasks such as driving an automobile." In 2018, the jury reached a \$1.9 million medical malpractice verdict.<sup>25</sup>

## 7. HULK HOGAN



A FLORIDA CLINIC AGGRAVATED AND WORSENERD THE WRESTLING LEGEND'S SPINAL CONDITIONS, SIDELINING HIS CAREER FOR NEARLY TWO YEARS.

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(Photo: Megan Elice Meadows)

In 2009 and 2010, Hogan underwent multiple endoscopic surgical procedures at Tampa’s Laser Spine Institute to treat pain from scoliosis, bulging discs, severe spinal cord compression and other back problems. Instead of alleviating such medical conditions, the clinic’s procedures only aggravated them, limiting Hogan’s ability to work. He ultimately had an operation at a hospital that provided relief. Hogan sued the clinic and its doctors, alleging that they used “scare tactics” to dissuade him from hospital surgery and performed “multiple unnecessary and ineffective surgeries” that caused many medical problems, forcing him to put his career on hold for nearly two years. The case settled in 2015; the terms are confidential.<sup>26</sup>

## 8. MICHAEL JACKSON

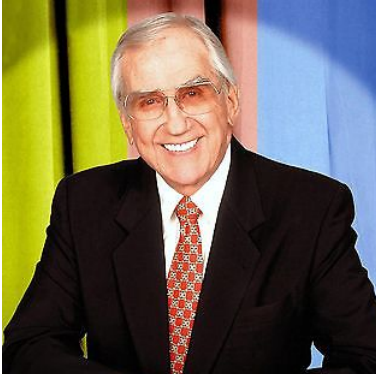


THE MUSIC ICON DIED FROM A LETHAL DOSE OF ANESTHESIA ADMINISTERED BY HIS DOCTOR.

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Jackson died in 2009 at age 50 after his doctor, Conrad Murray, gave him a fatal dose of the powerful anesthetic Propofol to help him sleep. Murray was later convicted of involuntary manslaughter, with the judge saying that Jackson died “because of a totality of circumstances which are directly attributable to Dr. Murray,” who engaged in a “horrible cycle of medicine” that was a “disgrace to the medical profession.” Murray served two years in jail, had his Texas medical license revoked and his California and Nevada licenses suspended.<sup>27</sup>

## 9. ED MCMAHON



A CALIFORNIA HOSPITAL FAILED TO DIAGNOSE THE “TONIGHT SHOW” PERSONALITY’S BROKEN NECK, NECESSITATING TWO SPINE OPERATIONS THAT CAUSED EXCRUCIATING PAIN.

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In 2007, McMahon was rushed to Cedars-Sinai Medical Center by ambulance after falling down stairs and slamming his head face down onto an asphalt driveway. The attending doctor discharged McMahon without taking an X-ray. He continued to experience severe neck pain, and roughly two weeks later, had an X-ray that revealed a broken neck. McMahon subsequently underwent two spine operations that left him in agonizing pain. He filed a lawsuit against the hospital and doctors; the case settled in 2010 for an undisclosed amount.<sup>28</sup>

## 10. MARILYN MONROE



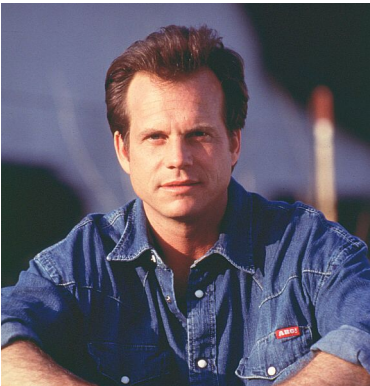
THE HOLLYWOOD ICON DIED FROM AN OVERDOSE OF DEADLY MEDICATIONS PRESCRIBED BY HER DOCTORS.

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On August 5, 1962, Monroe, 36, was found dead in her bedroom from a drug overdose. “On Marilyn’s bedside table was a virtual pharmacopoeia of sedatives, soporifics, tranquilizers, opiates, ‘speed pills,’ and sleeping pills. The vial containing the latter, a barbiturate known as Nembutal, was empty,” the 50-capsule bottle having been prescribed by her personal doctor, Dr. Hyman Engelberg, only two or three days before her death. Though the L.A. County coroner speculated that her death was caused by a drug overdose, he “opted not to conduct a formal inquest, but instead appointed a three-member team of mental health professionals to probe

into her background, and they concluded her death was a probable suicide.”<sup>29</sup> As *PBS NewsHour* columnist and University of Michigan Professor Dr. Howard Markel explains, “What remains most cautionary to 21st century readers is that the majority of the substances Marilyn was abusing were prescribed to her by physicians, all of whom should have known better than to leave a mentally ill patient with such a large stash of deadly medications. The barbiturates that killed her are rarely, if ever prescribed, today.”<sup>30</sup>

## 11. BILL PAXTON



THE ACTOR DIED AFTER HIGH-RISK, UNCONVENTIONAL HEART SURGERY CAUSED MULTIPLE, UNTREATED COMPLICATIONS.

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Paxton died in 2017, ten days after undergoing heart surgery at a California hospital to repair an aortic aneurysm and replace a heart valve. His widow and two children filed suit against the surgeon and hospital, claiming wrongful death, negligence and battery. According to the complaint, the doctor didn’t disclose that he “was going to use a high risk and unconventional surgical approach with which he lacked experience” and wasn’t in the operating room when Paxton began suffering multiple complications. Moreover, he allegedly “failed to timely return to the operating room upon notification of the complications, causing a delay in treatment resulting in damage.” The case is pending.<sup>31</sup>

## 12. ELVIS PRESLEY



THE KING OF ROCK AND ROLL DIED FROM A LETHAL MIXTURE OF DRUGS OVERPRESCRIBED BY HIS DOCTOR.

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On August 16, 1977, Elvis died at age 42 from a fatal mixture of drugs. After a toxicology report showed high levels of prescription painkillers in Elvis' body, Tennessee's Board of Medical Examiners launched an investigation and brought charges against his personal physician, Dr. George Nichopoulos (a.k.a. "Dr. Nick"). The Board heard evidence that Dr. Nick had written 199 prescriptions totaling over 10,000 doses of sedatives, amphetamines and narcotics to Elvis in the eight months before he died. Moreover, the prescription count came to 19,000 doses of drugs from January 1975 until Elvis' death. In 1980, the Board found Dr. Nick guilty of overprescribing, but he received little punishment – a three-month license suspension and three years' probation. That same year, he was indicted on 14 counts of overprescribing drugs to Elvis, singer Jerry Lee Lewis and numerous other patients but was acquitted. It wasn't until 1995 – 18 years after Elvis' death – that Dr. Nick was permanently stripped of his Tennessee medical license for overprescribing addictive drugs to numerous patients for years.<sup>32</sup>

## 13. PRINCE

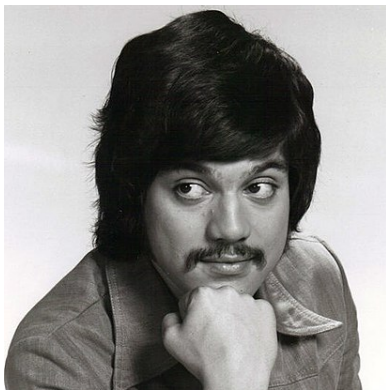


THE MUSIC SUPERSTAR DIED FROM A FENTANYL OVERDOSE AFTER HEALTH PROVIDERS FAILED TO PROPERLY DIAGNOSE AND TREAT A PRIOR OPIATE OVERDOSE.

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Prince died at home from a drug overdose in 2016 at age 57. In April 2018, the U.S. Attorney's Office announced a civil settlement with Prince's Minnesota doctor who had prescribed narcotics to the musician's bodyguard knowing that they were intended to be used by Prince. The settlement included a \$30,000 fine and Drug Enforcement Administration monitoring for two years. Prince's family filed a civil suit against the doctor – claiming that he ignored the musician's addiction and gave him narcotics days before his death – as well as the Illinois hospital and doctor who treated Prince for an initial overdose six days before he died, alleging that they all “had an opportunity and duty during the weeks before Prince's death to diagnose and treat Prince's opioid addiction, and to prevent his death. They failed to do so.” The case is pending.<sup>33</sup>

#### 14. FREDDIE PRINZE



THE COMEDIAN AND “CHICO AND THE MAN” TV STAR COMMITTED SUICIDE AFTER DOCTORS OVERPRESCRIBED QUAALUDES AND RETURNED A GUN TO HIM, WHICH HE USED TO SHOOT HIMSELF.

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In 1977, Prinze committed suicide by gunshot after California doctors treated the actor “carelessly and negligently,” according wrongful death and malpractice suits filed by Prinze's mother, widow and son. More specifically, his family alleged that Prinze's psychiatrist “had first taken away and then returned to Mr. Prinze the .32-caliber gun with which he was shot” and that Prinze's internist had overprescribed the powerful tranquilizer Quaalude. The cases settled in 1981, with the psychiatrist and internist agreeing to pay \$750,000 and \$200,000, respectively.<sup>34</sup>



## 15. DENNIS QUAID (CHILDREN)



THE ACTOR'S NEWBORN TWINS RECEIVED MULTIPLE LETHAL OVERDOSES OF MEDICATION IN A HOSPITAL, CAUSING THEM TO BLEED PROFUSELY WHILE SCREAMING IN PAIN.

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In 2007, Quaid and his wife Kimberly celebrated the arrival of healthy twins Thomas and Zoe. Twelve days later, the infants had received life-threatening overdoses of blood-thinning medication while at Cedars-Sinai Medical Center hospital to treat a staph infection. The nurse was supposed to clean their IV lines with 10 units of an anti-clotting medication that contained a very small dose of heparin. Instead the newborns were injected with 10,000 units of heparin, 1,000 times the dose they should have been given. This mistake was made twice. The massive overdoses turned the twins' blood into the consistency of water, causing it to flow from every place they had been poked or prodded. As a result, for over a day, the babies bled profusely and suffered severe bruises from internal bleeding, all the while screaming in pain. Their blood's inability to clot literally remained off the charts all day and into the night. It took more than 40 hours for the newborns' clotting levels to drop into the measurable scale, eventually falling back within normal range. In 2008, the Quaid's reached a \$750,000 settlement with the hospital.<sup>35</sup>

## 16. JOHN RITTER

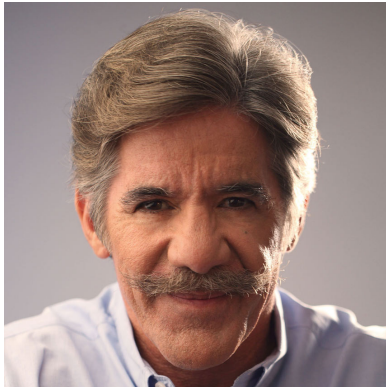


AFTER COLLAPSING AT WORK, THE EMMY AWARD-WINNING ACTOR WAS MISDIAGNOSED AND IMPROPERLY TREATED AT A HOSPITAL, WHERE HE DIED.

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In 2003, Ritter, best known for his role as Jack Tripper on the late 70s-early 80s sitcom “Three’s Company,” was taken to Providence St. Joseph Medical Center’s emergency room after collapsing on the set of his new hit TV show. Nearly four and a half hours later, he was dead from an aortic aneurysm. Ritter’s wife and four children filed a wrongful death suit against the California hospital and numerous medical personnel, alleging that Ritter would be alive but for repeated misdiagnoses and “improper and unnecessary procedures,” according to the complaint. The family reached a \$14 million settlement with the hospital and eight medical personnel in 2006.<sup>36</sup>

## 17. GERALDO RIVERA



THE TV PERSONALITY’S FOOT WAS MANGLED FOLLOWING BACK SURGERY.

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In 2010, Rivera underwent a back operation at NYC’s Hospital for Special Surgery. He left with a crippled right foot, prompting him file a lawsuit against the surgeon and hospital. The case settled for undisclosed terms before trial, with Rivera having publicly pledged to donate all proceeds to charity prior to the agreement.<sup>37</sup>

## 18. JOAN RIVERS



THE LEGENDARY COMEDIAN DIED AFTER A NEW YORK ENDOSCOPY CENTER SUBJECTED HER TO NUMEROUS UNAUTHORIZED AND UNSAFE PROCEDURES.

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In 2014, Rivers went to NYC's Yorkville Endoscopy for routine outpatient surgery after complaining of a hoarse voice and sore throat. Seven days later she was dead. Rivers' daughter sued the surgery center and multiple doctors for subjecting the comedy icon to unauthorized throat biopsies by a doctor not credentialed to perform them, taking biopsies despite an anesthesiologist's warnings that Rivers' swollen vocal cords were in a potentially life-threatening state and failing to act when her vocal cords closed, among other things. The case settled in 2016 for an undisclosed amount. "In choosing to accept this settlement, I am able to put the legal aspects of my mother's death behind me and ensure that those culpable for her death have accepted responsibility for their actions quickly and without equivocation," Rivers' daughter said in a statement.<sup>38</sup>

## 19. MATT ROBERTS



THE 3 DOORS DOWN GUITARIST DIED AFTER OVERDOSING ON DRUGS OVERPRESCRIBED BY HIS DOCTOR.

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(Photo: 3 doors down1)

Roberts was found dead in a Milwaukee hotel hallway in 2016. He was 38-years-old. The cause of death: an overdose involving fentanyl, hydrocodone and alprazolam. Roberts' doctor was

indicted on 13 counts of unlawful distribution of drugs and health care fraud, with prosecutors alleging that he prescribed drugs to Roberts knowing the musician had addiction problems. After the doctor's acquittal, his family continued to pursue their civil lawsuit against the doctor, alleging that he had given Roberts excessive levels of opioid painkillers for years, causing and perpetuating his addiction. The case is pending.<sup>39</sup>

## 20. DICK SCHAAP



THE LEGENDARY AWARD-WINNING SPORTS WRITER AND BROADCASTER DIED AFTER ROUTINE HIP REPLACEMENT SURGERY, WHEN TESTS INDICATED THE PROCEDURE WOULD BE TOO DANGEROUS.

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In 2001, Schaap went into NYC's Lenox Hill Hospital for routine hip replacement surgery. He never left, dying three months later from acute respiratory distress syndrome. His family filed a lawsuit, alleging the operation should have been postponed since a chest X-ray taken shortly before surgery showed that Schaap's lungs had been weakened by prescription heart medication known to cause pulmonary toxicity that he'd been taking for over two years. The jury found the cardiologist liable and awarded \$1.95 million in damages. "This case was never about the money," his widow said after the verdict. "We felt that this was the only way to get hospitals to pay attention and to not sweep their mistakes under the rug."<sup>40</sup>

## 21. ANNA NICOLE SMITH



THE MODEL AND TV PERSONALITY OVERDOSED ON DRUGS ILLEGALLY PRESCRIBED BY HER DOCTOR.

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39-year-old Smith died in a Florida hotel room in February 2007 after ingesting a lethal mix of at least nine prescription drugs, including a powerful, rarely prescribed sleep syrup. Her psychiatrist had authorized all 11 prescription medications found at the scene – none written to Smith – with over 600 pills, including 450 muscle relaxants, missing from prescriptions that were no more than five weeks old. In 2009, California’s Attorney General charged the psychiatrist and Smith’s primary doctor with having “repeatedly and excessively furnished thousands of prescription pills to Anna Nicole Smith, often for no legitimate purpose” in violation of “their ethical obligations as physicians.” Smith’s primary doctor was acquitted, but her psychiatrist was convicted of misdemeanor conspiracy for illegally providing Smith with narcotics prescribed under false names and was sentenced to a \$100 fine plus one year’s probation. In addition, the California Medical Board suspended the psychiatrist’s license for 90 days and put her on five years’ probation.<sup>41</sup>

## 22. ANDY WARHOL



THE PROLIFIC ARTIST, DIRECTOR AND PRODUCER DIED AFTER GALLBLADDER SURGERY WHEN HOSPITAL PERSONNEL ESSENTIALLY DROWNED HIM WITH FLUID.

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In 1987, Warhol died from heart failure at New York Hospital the day after a gallbladder operation. His family sued the hospital and medical personnel, claiming that doctors and nurses essentially drowned the 58-year-old icon by putting too much fluid into his body. More specifically, there was a “constant flow of intravenous fluid into the 128- pound Warhol, who had lost part of his lung and other organs as a result of a bizarre 1968 shooting. Warhol's abdomen was wrapped tightly following his surgery and he was given morphine for pain, which could hamper breathing. As his partial lung filled with fluid, the combination was suffocating,” causing him to thrash around helplessly and drown in his own hospital bed, according to the lawsuit. The case settled in 1991 for an undisclosed amount.<sup>42</sup>

## NOTES

<sup>1</sup> Martin A. Makary, “Medical error – the third leading cause of death in the US,” *BMJ*, May 3, 2016, <https://www.bmj.com/content/353/bmj.i2139.full>

<sup>2</sup> NORC at the University of Chicago and IHI/NPSF Lucian Leape Institute, “Americans’ Experiences with Medical Errors and Views on Patient Safety,” September 28, 2017, [http://www.ihl.org/about/news/Documents/IHI\\_NPSF\\_Patient\\_Safety\\_Survey\\_Fact\\_Sheets\\_2017.pdf](http://www.ihl.org/about/news/Documents/IHI_NPSF_Patient_Safety_Survey_Fact_Sheets_2017.pdf)

<sup>3</sup> Kevin B. O’Reilly, “73% of patients worry about medical errors, poll says,” *American Medical News*, September 4, 2012, <http://www.ama-assn.org/amednews/2012/09/03/prsc0904.htm>

<sup>4</sup> See, e.g., Heather G. Lyu et al., “Medical Harm: Patient Perceptions and Follow-up Actions,” *Journal of Patient Safety*, November 13, 2014, [http://journals.lww.com/journalpatientsafety/Abstract/publishahead/Medical\\_Harm\\_Patient\\_Perceptions\\_and\\_Follow\\_up.99712.aspx](http://journals.lww.com/journalpatientsafety/Abstract/publishahead/Medical_Harm_Patient_Perceptions_and_Follow_up.99712.aspx) (citations omitted) (“The vast majority of patient harms never result in a lawsuit.”); Martin Makary and David E. Newman-Toker, “Measuring Diagnostic Errors in Primary Care,” *JAMA Internal Medicine*, March 25, 2013, <http://archinte.jamanetwork.com/article.aspx?articleid=1656536> (“Only about 1% of adverse events due to medical negligence result in a claim.”); Tom Baker, *The Medical Malpractice Myth*. Chicago: University of Chicago Press (2005) at 112-113 (citations omitted), <http://books.google.com/books?id=6ZcLDV5k3kEC&pg=PA112&lpg=PA112> and <http://books.google.com/books?id=6ZcLDV5k3kEC&pg=PA113&lpg=PA113>. (“[T]here are far more cases of medical malpractice than medical malpractice litigation.”)

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