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Front Page

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# Woman Awarded \$9M in Malpractice Case

Associated Press

LAS VEGAS, N.M. — A San Miguel County jury has awarded a Raton woman \$9 million against three doctors after she suffered heart damage when her heart attack was not diagnosed for more than a day.

Bryanna Baker's attorney, Randi McGinn, said that despite the verdict, the law has a \$600,000 cap on what Baker can collect from each doctor, meaning she could collect \$1.8 million. McGinn said she plans to challenge the cap's constitutionality.

Jurors on Friday awarded the compensatory damages after finding physicians Misbah Zmily and Lee Caruana of Raton and Stephanie Hedstrom of Albuquerque negligent in handling Baker's medical treatment in November 2006.

None of the attorneys for the physicians immediately returned a call Monday from The Associated Press seeking comment on whether they plan to appeal the verdict.

Baker's future medical bills will be paid from a patient compensation fund. McGinn estimated those costs at \$5 million.

McGinn said Baker's heart was severely damaged, and the woman, now 29, likely will need a heart transplant.

The physicians' attorneys hammered away at McGinn's case during a three-week trial.

Zmily's attorney, Jennifer Hall, said Baker came to the emergency room in Raton with multiple symptoms, not just crushing chest pain, and that heart attacks are rare among 24-year-old women.

If the diagnosis was so easy, she argued, why did so many physicians at Miners' Colfax Medical Center in Raton, Alta Vista Regional Hospital in Las Vegas and University of New Mexico Hospital in Albuquerque miss the heart attack?

Baker went to Miners' Colfax Medical Center after experiencing severe crushing chest pain and other symptoms and was transferred to Alta Vista. She eventually ended up at UNM Hospital.

Attorney Ann Maggiore, representing Hedstrom, argued her client did everything she was supposed to ensure Baker was aware of her potentially serious condition, including mailing information to her.

Lorri Krehbiel, attorney for Caruana, argued that doctors ordering tests are responsible for following up, and that Caruana was not negligent.

McGinn accused Zmily, an emergency room doctor, of abandoning Baker to see other patients who were not as ill. McGinn contended that by the time Baker arrived at Alta Vista, the classic heart attack symptoms had changed.

Hedstrom supervised a doctor who saw Baker a year before her heart

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attack when an abnormal lab result indicated a potentially life-threatening condition.

Hedstrom should have done more to ensure Baker knew the seriousness of the lab result, McGinn said.

Caruana, who referred Baker to the specialist, failed to take action when he saw the abnormal lab result, McGinn argued.

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