

Melissa Westling
413 Temple Terrace
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To: The Honorable Members of the NC General Assembly

Re: Medical Malpractice

Dear Representatives and Senators:

Because of errors by nurses at Moore Regional Hospital in Pinehurst, my little girl Tristin was severely and permanently injured. She can do nothing for herself and will always require constant care.

On January 10, 1999, when Tristin was only five minutes old, the nurses in charge of her care at the hospital put her on top of liquid-filled plastic IV bags that they had overheated in a staff lounge microwave oven. Tristin was then ignored for 10-15 minutes before the nurses realized that she was crying in pain from the burns that she was receiving. Tristin sustained painful first, second and third degree, full-thickness burns over large areas of her back and buttocks. The picture at right shows the reddened and blackened areas on her back. Her body's response to these severe burns included bleeding in her brain, which progressed to a Grade 4 intraventricular hemorrhage (with 4 being the worst on a scale of 1 to 4) and hydrocephalus (swelling), requiring shunting. The burn wound later became infected with bacteria, which eventually entered her bloodstream and went to her brain and caused

meningitis. The combination of the bleeding, the swelling and the meningitis left her devastated.

Because of the burns, Tristin was a normal little girl for only five minutes. The rest of her life will be like something none of us can imagine. She will never walk or talk. She cannot see. She is fed through a tube in her stomach. She has very little purposeful movement. She has lost the use of everything she ever had, including her brain. I give her a number of different



medications several times a day to help keep her healthy. She requires 24-hour care every day.

It is my understanding that there might be some proposals in the General Assembly to change the law, making it harder for people like Tristin, who have been hurt by nurses or doctors – to be compensated for the injuries they caused. This is not right. From what I read and what I know first hand, the problem with medical malpractice is real. The problem is not with lawyers. The problem is not injured patients like my little girl. The focus should be on the real problem and how to prevent these kinds of things from happening. Little girls like Tristin should not have to pay for bad investment decisions made by huge insurance companies.



I had to bring a lawsuit just to find out what happened. It was several years after the event before my lawyers were able to question the nurses and find out exactly what had happened. It was not just a mistake by a new nurse. It was something that all the nurses and nurse practitioners present were involved in, including the Assistant Director of the hospital's Maternal/Child Division, who was responsible for managing the neonatal intensive care unit, and another nurse who was the hospital's Director of Women and Children's Services. How could anyone put a newborn child on bags of liquid that had been put in a microwave oven? Even their own nurse admitted under oath that what they did was a "breach of the standard of care." Then why did everything have to be a secret? Why did I have to hire an attorney to bring a lawsuit to find out what happened? My case eventually settled before a trial was necessary. The hospital eventually admitted that what it did was wrong.

While the court case was still pending, the hospital hired "experts" to say that they should not have to pay as much for what they did to her because they did not think that Tristin would live long. Her treating doctors at Chapel Hill, who have been wonderful, have said that with continued good care, she should live decades -- well into adulthood. Isn't it a shame that a hospital can burn someone like this and then try to avoid paying the costs of care by arguing that the patient was hurt so bad that she will not live long? Why not give her the benefit of the doubt? Patients have only one day in court. They can't come back later for more if the money runs out.



Justice should not be for sale. Doctors, nurses and hospitals should not be given special status for preferential treatment when they hurt somebody. Just like everybody else, they should be responsible when it is their fault. If they are treated differently, won't that send the wrong message? We need to do something that will make them more careful, not less. If doctors and nurses and hospitals don't have to answer to juries with regular people, then it is only going to get worse.

Please don't change the law without considering these things. Please remember my daughter Tristin and others like her. They have no one else to speak for them.

Thank you for your consideration.

Sincerely,

Melissa Westling