

Court of appeals allows 12-year-old case against Lee Memorial Hospital

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4:12 P.M. — A court of appeal ruling last week will allow a 12-year-old civil case against Lee Memorial Hospital to go to trial.

The case involves an 81-year-old woman who was accidentally given a fatal dose of medication in 1997. Her family alleges that hospital staff conspired to cover up the mistake.

In an 18-page ruling, a three-judge panel from the Second District Court of Appeal ruled May 7 that Lucy Thomas should be able to have a trial.

In 2007, Lee Senior Circuit Judge Jack Schoonover ruled Thomas couldn't get damages if she won at trial. So, the case was delayed for three years — nine years after it was first filed — to appeal.

The three-judge panel ruled the decision was wrong, and Thomas' case should go to trial.

In March 1997, Mildred Thomas had hip replacement surgery. Because of a rapid heartbeat, an anesthesiologist and nurse gave her a fatal, undiluted, 875-milligram injection of Esmolol heart medicine. The medicine was supposed to be diluted.

It wasn't until five days after Thomas died that the medical examiner's office found out how it happened. By then, Thomas' body had been embalmed — destroying any evidence of an overdose — and was in Alabama, where her family was trying to bury her, according to court records.

Thomas' children sued the hospital, Dr. Kenneth Backstrand, Clara Hughes, Jeanie Smith, Robert Arnall and Robert McCurdy, claiming everyone from the hospital's former medical director to recovery room nurses conspired to conceal the overdose and the mistakes that led up to the fatal injection.

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