

Lawsuit Alleges HCA Hospital and Doctors Continue to Perform Widespread and Unnecessary Cardiac Procedures Despite Prior Accusations, Claims of Reform and an Internal Investigation by Hospital Chain's Ethics Officer which Substantiated the Abuse

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WEST PALM BEACH – A Florida law firm has filed a lawsuit alleging that HCA, the nation's largest hospital chain, knowingly performed unnecessary cardiac surgeries for financial gain and fails to hold its hospitals and doctors accountable despite ongoing evidence dating back to 2002, which according to the *New York Times*, was substantiated by HCA's own internal investigation and independent investigators. The suit, brought on behalf of a patient who was subjected to an unnecessary pacemaker implantation at an HCA hospital in 2013 and suffered significant complications.

The August 2012 *New York Times* story was prompted by a former nurse, C.T. Tomlinson, at Lawnwood Regional Medical Center in Fort Pierce, Florida, who contacted HCA's chief ethics officer, reporting that Dr. Abdul Shadani was performing unnecessary cardiac procedures, putting patients' lives at risk and driving up healthcare costs. Tomlinson alleged that in retaliation for his complaint, his contract was not renewed.

Less than two months after Tomlinson's claim, HCA's internal investigation concluded that, "The allegations related to unnecessary procedures being performed in the cath lab are substantiated," according to a confidential memo written by HCA ethics officer, Stephen Johnson, and disclosed by *The New York Times*.

According to the *Times* article, HCA's own internal reports uncovered evidence dating back to 2002 showing doctors at its hospitals were either unable to justify many of the cardiac procedures they performed or made misleading statements in medical records, making it appear they were required.

The *Times* article stated that in late 2003, HCA executives noticed the 290-bed Regional Medical Center Bayonet Point, a hospital in Hudson, Florida was implanting an unusually high number of cardiac stents and in 2004 hired an outside agency, CardioQual Associates, to examine medical records.

CardioQual's confidential memo concluded that as many as 43 percent of 355 angioplasty cases, were outside reasonable and expected medical practice. The investigation revealed that some physicians had indicated in medical records that the patients had blockages of 80 to 90 percent. A subsequent scientific analysis of a sampling of cases revealed the blockages had ranged from only 33 to 53 percent according to the *Times* article.

According to a confidential 2010 review at Lawnwood, which performs an invasive diagnostic test known as a cardiac catheterization, about half the procedures, or 1,200, were determined to have been done on patients without significant heart disease according to the *Times* article. The article further stated that the hospital opened an investigation and the reviewer, an outside heart specialist, concluded there were problems with 13 of the 17 cases performed by Dr. Shadani, including unwarranted cardiac catheterizations and patients who were needlessly subjected to multiple procedures.

According to the lawsuit, despite ongoing claims that Dr. Shadani had performed numerous unwarranted cardiac stent procedures, he maintains full cardiac privileges at Lawnwood Medical Center and continues to operate.

The West Palm Beach-based law firm of Schuler, Halvorson, Weisser, Zoeller & Overbeck, P.A. recently filed a lawsuit against Abdul Shadani, M.D.; Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center & Heart Institute; HCA Holdings, Inc.; and HCA, Inc., on behalf of their client, John Austgen, alleging that Mr. Austgen was subjected to unnecessary cardiac procedures at Lawnwood Medical Center in August of 2013.

“Lawnwood generates 35 percent of its gross revenue from its cardiac unit. It’s a huge revenue generator for the hospital,” said attorney Jason D. Weisser. “There is a systematic problem with the hospital chain and we believe HCA doctors are still performing unnecessary surgeries for financial gain. There is a pervasive disregard for HCA’s so-called internal codes of conduct and HCA administrators have failed to hold their hospitals and doctors accountable.”

Following his operation, Mr. Austgen developed significant complications requiring multiple surgeries as a result of the unnecessary pacemaker implantation. Most notably, the Plaintiff alleges that Dr. Shadani’s decision to implant a pacemaker into Mr. Austgen was not medically necessary and resulted in severe life changing complications. Furthermore, Mr. Austgen’s complaint contains allegations of negligence, battery, intentional infliction of emotional distress, fraud, and negligent credentialing and retention.

The complaint cites to HCA’s Code of Conduct which promises that patients will be treated with warmth, respect and dignity and provided with care that is necessary and appropriate. The complaint further contains allegations that HCA has a culture of failing to supervise the cardiac unit at Lawnwood resulting in numerous unnecessary cardiac procedures and that this information was brought to the attention of HCA personnel who failed to act upon it.

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