



CASE OF THE QUARTER: DOE VS. CHRIS GOMEZ, MD

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The "Case of the Quarter" column is a sample case study that highlights best practices in actual scenarios encountered through [PRMS' extensive experience in litigation and claims management](#). Specific names and references have been altered to protect clients' interests. This discussion is for informational and education purposes only and should not be relied upon as legal advice.

FACTS:

John Doe was hospitalized for four days after attempting suicide to stop the voices in his head. While inpatient, his attending physician started him on Zyprexa. Dr. Gomez first treated John Doe two days after he was discharged from the hospital. Mr. Doe told Dr. Gomez that he was very worried about losing his job because he was sleepy from the medication. He denied hearing voices. Mr. Doe asked to be taken off Zyprexa. Dr. Gomez reluctantly agreed to a slow taper of the medication and lowered the dosage by 5mg/day. Dr. Gomez asked the patient to return in three weeks and to call before that if he experienced any problems. Dr. Gomez documented the patient's report of sleepiness and job concerns as well as his medication change and the recommended return visit. Three days later, Mr. Doe jumped from a bridge and died.

ALLEGATIONS:

Mr. Doe's wife filed suit alleging that Dr. Gomez was negligent in lowering the Zyprexa dosage; failing to recommend a follow-up visit sooner than three weeks; failing to further explore the job stressor; and failing to perform a suicide risk assessment.

DEFENSES:

We could not find expert support primarily because Dr. Gomez failed to document a suicide risk assessment. The expert we consulted with noted that the patient had been discharged from the hospital following a suicide

attempt just two days before seeing Dr. Gomez so a suicide risk assessment should have been done and documented. The suicide risk assessment should have included exploration of the job concerns Mr. Doe expressed. The expert was also critical of the lack of documentation reflecting whether the patient was hearing voices or having other symptoms of psychosis before lowering the Zyprexa dosage.

OUTCOME:

It is extremely difficult to defend a case at trial without expert support, so this case was settled.

TAKEAWAY:

Performing and documenting a thorough evaluation are critical pieces to any defense. A claimant's attorney will pay particularly close attention to what a psychiatrist did and documented following a psychiatric hospital admission as the admission itself indicates some level of instability in the patient.

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