



Local News

Suit filed over Virginia Mason Medical Center's error



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The son of the woman who died after the wrong injection said the hospital's apology was "public-relations spin."

By [Carol M. Ostrom](#)

The family of Mary McClinton, who died after being mistakenly injected with an antiseptic solution at Virginia Mason Medical Center, has sued the hospital, which had publicly disclosed and apologized for the “preventable medical error.”

“Virginia Mason’s statement was public-relations spin pure and simple,” said Gerald McClinton, one of McClinton’s four sons. “Apology is no substitute for atonement when our mother’s death should never have happened.”

Virginia Mason, in a statement released yesterday, said the Seattle hospital had approached the McClinton family and was “ready to proceed” with a settlement. “Our hope is to quickly reach a resolution that will support the healing process for the family,” the statement continued.

The family’s attorney, Lawrence Kahn of Bellevue, said the hospital had rejected his settlement offer — which he wouldn’t specify — and had made no counterproposal. The lack of an offer was “shocking and disappointing” to the family, he said.

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McClinton, 69, of Everett, died Nov. 23 after being injected with Chlorhexidine, a colorless antiseptic, during a procedure for a brain aneurysm. The antiseptic was mistaken for another substance to be used in the procedure.

On McClinton's seventh day in the hospital, as she lay in critical condition with kidney failure, unconscious and on a ventilator, hospital administrators sent a memo to the medical staff detailing the mistake. The family obtained a copy of the memo.

"Many were aware of the hazard in the system that could lead to injection of the wrong solution and aware of a simple method to prevent this occurrence," wrote Dr. Mindy Cooper, chairwoman of Virginia Mason's quality-assurance committee, and Dr. Robert Mecklenburg, chief of medicine. "No one took action to change the process before this tragedy occurred."

In a video commissioned by the family about McClinton's life, including details of her last 19 days, her sons told of their mother's suffering as doctors performed procedure after procedure, including amputating her lower leg, in futile attempts to save her life. Twice she stopped breathing and was resuscitated. But her situation grew increasingly grim as infection set in.

Eight days after she entered the hospital, McClinton implored a nurse: "Why don't you let me die?" according to hospital notes.

In the end, her family opted against major surgery, which physicians said she likely would not survive.

Virginia Mason has won kudos from the medical community around the world for its apology, publicly posted on its Web site, and for its stated focus on changing procedures so such an error would not occur again.

"Every staff member at Virginia Mason is called to step up and identify potential problems before they become errors that affect our patients and their families," the Web-site memo said.

"Open discussion of medical errors is essential, because it provides the best opportunity to understand what actually happened and to teach others the important lessons that have been learned," Dr. Robert Caplan, Virginia Mason's medical director, said in the memo.

Kahn said the hospital's "apparently calculated institutional public-relations apology" was quickly followed by an attempt to "manipulate the family into direct negotiations" for a settlement without an attorney.

While some expected the apology might head off a lawsuit, Dr. Thomas Gallagher, a University of Washington internist who has studied apologies and disclosures about medical errors, said they don't necessarily immunize health providers from lawsuits.

"Disclosure isn't a magic bullet," he said. "It's important, but it doesn't guarantee you won't be sued." Studies have indicated, Gallagher said, that particularly when errors cause severe harm, families and patients will seek compensation despite apologies.

"I think that patients and their families want to know that events like this are taken very seriously, that they've been examined comprehensively to understand why they happened, and that effective measures have been put in place to prevent recurrences,"

Gallagher said. “To some patients and their families, one symbol of that, of how seriously that’s taken, is financial.”

Mary McClinton, a social worker, was a force in several communities, her family noted. In addition to raising four sons, she fostered eight children, worked as a teacher at a church school and was adopted into the Tlingit Tribe of Southeastern Alaska.

The family has established the Mary L. McClinton Foundation to help disadvantaged children in Alaska and the Puget Sound area, Kahn said.

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