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Physician draws 18 lawsuits, but no state action

Doctor: Despite eliciting numerous malpractice claims, a Baltimore ob-gyn has never faced any disciplinary efforts by the state.

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Every July 17, Patricia A. Smith marks her son's birthday by placing roses on his grave.

The Dundalk woman blames the death of her firstborn son 13 years ago on her obstetrician, Dr. Ghevont W. Wartanian. She says Wartanian, who practices at Harbor Hospital in Baltimore, failed to detect signs of fetal distress late in her pregnancy.

"It was just a horrible, horrible experience," said Smith, who eventually received a \$150,000 out-of-court settlement from the doctor's insurer.

Smith is one of 18 women who have sued Wartanian in the past 20 years for malpractice - an extraordinary record for any doctor, national experts say. While some suits proved without merit, nine resulted in payments totaling well over \$2 million.

Yet, the 55-year-old obstetrician-gynecologist has never faced state disciplinary action; neither has his license to practice medicine been restricted, according to a review of state records.

Wartanian's history illustrates fundamental flaws in the way Maryland regulates and disciplines its doctors, critics say, particularly physicians with recurring malpractice suits - known in the medical field as "highfliers."

Maryland's doctors largely regulate themselves, records and interviews show. In this state, physicians decide whether to review a colleague's skills and whether the results warrant disciplinary action.

In addition, the state board responsible for licensing and disciplining doctors - the Maryland Board of Physician Quality Assurance - has ignored a provision in state law meant to bring extra scrutiny to doctors who have faced multiple malpractice suits. The law requires that doctors who have three or more malpractice claims filed against them within a five-year period be reported to the regulatory board.

The scope of Maryland's failures of oversight is impossible to gauge with precision because the board's records on malpractice suits are incomplete and difficult to access. But available records indicate that Wartanian is near the top of the state's 10,127 practicing physicians in eliciting such suits.

The chairman of the American College of Obstetricians and Gynecologists' professional liability committee says a pattern of lawsuits such as the one compiled by Wartanian is extraordinary.

"I don't believe I've ever seen anything close to this," said Dr. Willette L. LeHew of Norfolk, Va., after reviewing a summary of Wartanian's malpractice suits. "This is an extremely unusual number of cases for one physician to have."

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The ob-gyn college is a national organization representing nearly 40,000 physicians who provide health care for women. Its research indicates that, on average, an ob-gyn can expect to be sued 2.53 times during his or her career - a number that Wartanian has exceeded several times over.

While some Maryland doctors with long histories of malpractice complaints have eventually lost their licenses, others - like Wartanian - have never been disciplined. And it can take a lot of lawsuits and time before state regulators act.

For example, it took almost a decade of efforts by the state board before it yanked the license of a Baltimore plastic surgeon who racked up 25 malpractice suits and lost his credentials at a number of area hospitals, records show.

All states wrestle with the problem of how best to monitor physician quality to protect the public. State regulators often have to deal with issues of substance abuse, sexual misconduct and criminal behavior, but their hardest task is determining whether doctors fail to meet accepted standards in treating patients.

Some do it better than others.

In contrast with the Maryland system, Ohio uses a computer program to identify physicians with malpractice histories that fall well outside the norms for others practicing in the same field. That state consistently ranks as one of the toughest in the nation in terms of its rate of disciplinary actions taken against doctors.

Some states also provide far more information to the public about the track record of physicians than does Maryland, where residents can find out little beyond whether a doctor has ever been disciplined by the state's regulatory board. In Massachusetts, for example, the state medical board's Web site lists cases in which doctors have paid to resolve malpractice suits - along with case numbers and information on malpractice suits that are pending.

Glaring example

The Sun began examining Wartanian's record after a Baltimore attorney cited him as a glaring example of the failings of the state's disciplinary system.

The malpractice suits against Wartanian were filed by women such as Patricia L. Davis of Sparrows Point in Baltimore County. She nearly died of complications after what is widely considered a routine surgical procedure, according to lawsuit records. A jury awarded her and her husband \$1.5 million, although the amount was later reduced to about \$926,000.

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"I still get emotional over this, just the thought of everything I went through," Davis said. "My life has been ruined because of him, and he's still living his life as though he's never done anything wrong."

Another patient, Kristie Thornton Hayes of Baltimore, lost her son 18 days after giving birth. In a lawsuit, she accused Wartanian of failing to recognize an infection that should have prompted him to perform a Caesarean section. She settled out of court for \$200,000.

The list of litigants goes on.

Other Baltimore-area women - Shannon Anderson, Jennifer Brest Spencer and Dorothy Lawson Garner - left Harbor Hospital with babies who suffered brain damage that each alleged was because of a medical mistake committed by Wartanian. The payout to Spencer and her husband was \$600,000, according to court records obtained by The Sun. The other two cases were settled for undisclosed amounts.

In interviews at his office next to Harbor Hospital and over the phone, Wartanian, who lives in Lutherville, said the malpractice suits filed against him have all been unfounded. He said he considers himself to be a good doctor.

"I'm proud of my practice, and my patients are my best judges, not the lawyers," he said. "I can give you hundreds of names of [satisfied] patients. ... I know I've given my best to my patients. Ninety-nine percent of my patients are happy with me."

While 18 of Wartanian's patients over the past 20 years have sued him for malpractice, others are quick to say they are confident in his professional abilities.

Erin K. Green says that Wartanian recently delivered her daughter by Caesarean section and that she intended to go back to him to have her tubes tied. "I feel that he's a competent doctor," the Glen Burnie woman said. "My delivery went smoothly. The surgery went really well."

Dorothy E. Bennett, a nurse who has worked with Wartanian for 25 years, also has high praise for his skills. "I think that he is probably the best doctor I work with," she said. "He's the kind of person that, if you ask him for help, he'll help you all he can."

Bennett attributes the large number of malpractice cases against Wartanian to the fact that he maintains a very busy practice and is "not always very tactful" in dealing with patients, adding: "He tells people the truth, and they don't always like that."

But some former patients who have sued Wartanian question how the doctor can maintain a license in good standing after so many alleged medical mistakes.

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"I just can't imagine he doesn't have to answer to someone," said Smith, the Dundalk woman who lost her child. "They should have done something by now, obviously."

Baltimore attorney Daniel M. Clements, who filed Hayes' lawsuit, also wonders why Wartanian has never drawn a disciplinary action. Clements wrote letters to the state regulatory board in 1994 and last year formally calling for an investigation of Wartanian's professional competence.

"Never before in my career have I been moved to file a complaint with the board ... about a physician's care," Clements wrote in 1994. "However, never before have I been confronted with a physician whose history and actions so unequivocally call for a review."

In a recent interview, Clements said: "It's not uncommon to find a doctor who has been sued two or three times, but this guy wasn't close. People make mistakes, but at some point the sheer volume of cases has to be evidence of incompetence."

Wartanian says Clements is out to get him. That, the doctor says, "will come back to haunt" Clements.

The 1994 complaint prompted a review of Wartanian by the physician quality board - one that did not lead to any action. That doesn't surprise another Baltimore lawyer, Philip C. Federico, who has successfully sued Wartanian three times.

Federico said he is "sympathetic to the good physician who makes a mistake. ... It happens. But to someone who is repeatedly dropping the ball, you've got to start looking out for the public at some point. I've never known the [physician quality] board to take one of our complaints and take any action on it, and we file an average of 50 cases a year ... and I have some cases that would make your head spin."

`Money-hungry'

Wartanian attributes his large number of malpractice suits to "money-hungry" patients. "There is one reason - money," he said.

He says some patients lie and nervous insurance companies pay settlements over his objections. And he says he is sometimes blamed unfairly for complications caused by other medical professionals.

"Maybe I have been too loose, accepting all of them coming in and asking me for help when they are in trouble," he said. "When they don't have a perfect outcome, they come after you."

Wartanian said he isn't perfect: "I have done mistakes, and I tell my patients about it and they don't sue me. The people who sue me ... are looking for somebody to blame."

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The ob-gyn attended medical school in Armenia in the mid-1960s and graduated first in his class, according to testimony he has given in court cases. He worked at a hospital in Beirut, Lebanon, before coming to the United States in 1974.

Wartanian appears to have a thriving practice. He sees 90 to 100 patients a week and works with a number of HMOs and health plans, according to the American Medical Information Physician Directory.

Despite the large number of malpractice suits against him, his professional record remains untarnished by any disciplinary actions. In a sworn statement last fall in connection with a recently settled suit, Wartanian said his privileges to practice medicine had never been revoked, curtailed or suspended at any hospital.

Asked by his patient's lawyer whether his medical license had ever been investigated, he responded: "No, sir. OK, let me rephrase. Let's not say investigated, because it would be false impression. One time there was a letter from the [state regulatory] board, I don't recall what was the reason. They looked at it, they send me [Clements' 1994] letter, there is nothing."

C. Irving Pinder Jr., executive director of Maryland's regulatory board, says he can not talk about lawsuits or investigations involving Wartanian or any other doctor. "Anybody can be sued," he said.

T. Michael Preston - executive director of the state medical society, known as MedChi - notes there are "a lot of gray areas in medicine," adding that it is difficult to draw conclusions about a doctor's professional competence simply based on the number of malpractice suits against him.

"A settlement may not be an indicator of deficient care," Preston said.

Dr. Timothy McCall, a Boston internist and author of *Examining Your Doctor: A Patient's Guide to Avoiding Harmful Medical Care*, agrees. "Bad outcomes do not always equal bad medical practice, and malpractice settlements do not necessarily mean bad practice," he said.

Still, McCall added that a large number of lawsuits is "a red flag, absolutely. ... A pattern of lawsuits, that is a bad sign."

That pattern is "what economists call a noisy indicator of quality," said Teresa M. Waters, an associate professor at the University of Tennessee School of Medicine and a prominent health policy researcher. "You can't listen to it directly, but you have to take it into account. Yes, when someone has 15 malpractice claims, we have to listen to that."

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Or as Karen H. Rothenberg, dean of the University of Maryland School of Law and an expert on health care law, put it: "When a doctor has been sued and has judgments against him so many times, when do we begin to expect the state to investigate?"

'Everyone started panicking'

The same kinds of questions are posed by patients who have had bad experiences with Wartanian - patients such as Patricia Smith.

A lot has changed since 1988, when Smith and Curt Taylor lost their son, Zachary. The couple had two other children before eventually going their separate ways and remarrying. She now lives in Dundalk, he in Abingdon.

Smith, then 30 and pregnant with Zachary, saw Wartanian a day before arriving at Harbor Hospital for what would become an emergency Caesarean section.

That day, July 16, Wartanian twice performed what is known as a "non-stress test" to check for signs of distress in the fetus, then more than a week past due. In such a test, a device is placed on a pregnant woman's stomach to monitor her baby's heart rate and other functions.

Wartanian had done two similar tests on Smith the week before with normal results. Once again, he interpreted the results as normal, according to the lawsuit the couple filed. The doctor told Smith to return in five days so he could induce labor if she did not give birth by then.

That night, Smith, feeling ill, lay down and awoke with contractions and bleeding, she said in an interview. Her husband called the hospital and was told by the staff to wait until the contractions were closer before coming to the hospital.

As they drove to the hospital about 2 a.m., both were excited. "We were expecting to walk out with a baby, all pink and happy," Taylor said in an interview. But once there, the couple's joy turned to alarm.

"As soon as the chief resident on duty hooked her up to a monitor," Taylor said, "everyone started panicking."

Hospital personnel - Wartanian was not present - immediately launched an emergency Caesarean section as Taylor watched through a window. "They took the baby out, and he was kind of blue," Taylor recalled. "They started giving him CPR. Finally, they came out an hour or so later and told me that he didn't make it."

Smith and Taylor said they were offended by what they regarded as Wartanian's cavalier attitude when he came by her hospital room later that morning. "I said, 'What the hell happened?'" Smith recalled. "He said, 'You're going to be OK. You're young. You'll have more children.'"

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Taylor said the doctor told them such things just happen sometimes: "He pretty much said it's not that big of a deal. He was kind of shrugging it off as an act of God."

Taylor said he asked Wartanian how things could go so wrong when the doctor had tested his wife a day earlier.

According to Taylor, Wartanian said such tests were about as reliable in detecting problems as flipping a coin.

With that, Taylor recalled, "Things started clicking in my mind that somehow this should not have happened." Then, he said, a Harbor Hospital nurse pulled him aside to tell him the baby should not have died. She said he should get all the hospital records he could before his wife was discharged.

The couple's subsequent malpractice suit accused Wartanian of failing to do his job properly, ultimately leading to Zachary's death.

"His examination of Mrs. Taylor [on July 16] as well as the non-stress test results should have indicated to him that Mrs. Taylor should have been hospitalized immediately and her pregnancy should have been monitored closely," the complaint charged.

Zachary, the suit said, would have survived if the doctor had interpreted test results correctly and had "timely and appropriately induced delivery."

In his formal response to the lawsuit, Wartanian denied that he had been negligent.

In a recent interview, Wartanian said that the outcome of the initial non-stress test he performed July 16 was "a little iffy" but that the result of the second test, which he did after repositioning the mother, came out normal.

He said part of the problem was that the couple waited too long to go to the hospital after Smith's contractions began.

The couple and Wartanian's insurer reached their \$150,000 settlement in November 1990, a little more than two years after Zachary died.

`Things happen'

Kristie Hayes also lost a baby while a patient of Wartanian's, and she recalls him counseling her in much the same manner as he had advised Smith and Taylor, telling her "things happen" sometimes.

Hayes - then Kristie Thornton - was 18 when she gave birth in 1992, and Wartanian had been her ob-gyn throughout her pregnancy.

When she arrived at Harbor Hospital in labor May 22, a first-year resident who examined her saw what he suspected was a herpes outbreak, according to records in a malpractice suit filed by Hayes' attorney.

If the resident's suspicions were correct, standard medical protocol called for a Caesarean section, rather than vaginal delivery, to avoid infecting the infant.

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But Wartanian dismissed the resident's concerns about possible active herpes lesions, records show. The doctor ordered a herpes test while Hayes was in labor, although the results would not be available for three days.

In sworn statements for the malpractice suit, Wartanian said he was relying on information from Hayes when he decided to deliver the baby vaginally. He said that just before the delivery, she denied having the sexually transmitted disease. He said she appeared to have a boil, not herpes.

In a recent interview, Hayes said that she had never before received a herpes diagnosis or been treated for it and that the outbreak late in her pregnancy was her first. She said she was unaware she had apparently contracted the virus from a boyfriend.

"I didn't even know what it was," said Hayes, who lives in Violetville in Southwest Baltimore. "I didn't find out there was a problem until it was time for delivery."

After the delivery, Hayes said, she was told that her son, Paul, was fine. But he wouldn't eat and started running a fever, she said. Exposure to herpes would prove fatal to the child. He survived 18 days.

Under questioning during a deposition, Wartanian conceded that he would have done a Caesarean section if he had known she had herpes.

But even that might not have saved the baby's life, the doctor said. He noted that while 85 percent of the cases of herpes exposure to newborns are through the birth canal, 15 percent occur in the womb.

"I should have some reason to do a C-section, because C-section is not a game," Wartanian said in the deposition. "It is a surgery with its risks of bleeding, infection and dying. We cannot just say, 'Let's do a C-section.'"

Hayes said Wartanian phoned on the day of her son's funeral, asking how she was doing. "He said, 'I know you're upset, but this wasn't your fault. Things happen,'" Hayes recalled.

"I was crying and told him, 'I know this wasn't my fault. This was your fault.' And I just hung up."

According to Wartanian's deposition, he wrote in his notes regarding the phone call that Hayes had admitted for the first time having herpes. He wrote that she told him that she didn't inform anyone before because she didn't want others to know about it.

She says that simply isn't true.

Hayes - who has since married and has a 7-year-old son and a 1-year-old daughter - says she still keenly feels the loss of her first child. "When you carry something living inside you for nine months, it's a part of you," she said.

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Wartanian says the situation could have been avoided if Hayes had been honest about her sexual history. He says that would have made him more inclined to believe the boil might be a herpes lesion.

"Is it my fault to trust her?" he said in an interview. "I trust my patients. I cannot investigate and dig around. I take it as it is, that it's true."

After the case was settled for \$200,000 in 1994, Hayes' attorney, Clements, filed his first formal complaint against Wartanian with the Maryland Board of Physician Quality Assurance. In that complaint, Clements wrote that the baby's death "was an unnecessary complication of Dr. Wartanian's gross negligence." "[Hayes] presented to Dr. Wartanian, full term, with an apparent vaginal herpes lesion. Dr. Wartanian, however, proceeded to perform a vaginal delivery in violation of the standards established" by the American College of Obstetricians and Gynecologists, the lawyer wrote.

Clements' complaint went nowhere.

Six years later, the Baltimore lawyer found himself filing another angry complaint with the regulatory board about Wartanian. That was after he read what had happened to Patricia Davis of Sparrows Point.

'It hurts, it hurts'

The 47-year-old Davis went into Harbor Hospital on March 8, 1998, for a laparoscopy - ordinarily a routine exploratory procedure - to check for possible sources of pelvic pain.

Laparoscopic surgery involves inserting a specially designed fiber-optic instrument through a small incision in the abdomen. During the 35-minute procedure, Wartanian accidentally pierced Davis' bowels, court records show.

Other doctors familiar with laparoscopy say that such accidents sometimes happen but that the aftermath in Davis' case appears unusual

After the surgical accident, Wartanian sent Davis home and, according to her account, dismissed her frantic calls over the next few days in which she complained of excruciating abdominal pain.

Meanwhile, the hole in her bowels was pumping fecal matter into her abdomen and making her increasingly ill, according to her suit.

Davis described her ordeal in detail in a deposition in August 1999:

As she was being released from the hospital a few hours after the procedure, Davis told Wartanian about the abdominal pain. He told her it was normal, she said.

At home that evening, the pain worsened to the point that she called Wartanian. "He insisted that the pain was normal, to take Tylenol, and I would be fine," she said.

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Davis said the pain kept her awake all night. Over the next two days, she repeatedly called Wartanian to tell him about the pain, and he dismissed her complaints again and again, according to her deposition.

On March 11, three days after her laparoscopy, the pain became so severe that Davis had her 10-year-old son call 911. "It was a type of pain that I never felt before in my life, and all I could do was moan out that it hurts, it hurts," she said. "That's what I kept saying, `It hurts, it hurts.'"

Davis was rushed to the nearest hospital, Franklin Square Hospital Center in Baltimore County, where X-rays were taken and Wartanian was contacted by emergency room physicians.

The Franklin Square staff came back to talk to her after the call to Wartanian, she said in her deposition. "They said ... Dr. Wartanian told them to tell me to take Tylenol every four hours and release me," Davis said. "I remember that I couldn't believe they were letting me go."

The nurses who wrapped the shivering woman in blankets and helped Davis' husband put her in his truck expressed the same concern about her release, Davis said.

Asked what she did after she got home from the emergency room, Davis responded in her statement: "I cried. I cried because I was in so much pain and nobody would help me. That's what I did. ... It's just the worst pain anybody could ever, ever imagine."

On March 14, six days after the laparoscopy, a neighbor who was checking on Davis had her son again call 911. She was vomiting and in terrible shape. This time, she was taken to Johns Hopkins Bayview Medical Center.

A surgeon who performed a colostomy on Davis told her later that "there were two liters of stool just laying in my stomach and I was lucky to be alive," Davis said in her deposition.

After the colostomy - in which her colon was connected to an opening in her abdominal wall - Davis was in and out of the hospital over several months to undergo numerous procedures, including major bowel surgery.

In a recent interview, Wartanian disputed much of Davis' account and produced a nurse's note purporting to show that Davis had "no complaints" of pain at the time of her discharge.

Wartanian denied that Davis kept calling him in the days immediately after the laparoscopy. If she had called and reported excruciating abdominal pain, he said, he would have had her come to his office right away to be examined.

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"They presented me as somebody who doesn't care, who dumps a patient when she's in need, and that's not who I am," Wartanian said of Davis' lawsuit.

In June 2000, after a two-week trial, a Baltimore Circuit Court jury found that Wartanian had not met accepted standards of care when he failed to hospitalize Davis after the laparoscopic procedure.

The jury awarded Davis and her husband \$1.5 million, but the amount was reduced to \$925,930 because of the state's limit on noneconomic damages.

`Do absolutely nothing'

When Clements read a news account of that jury award, he recalled his client Hayes' suit against Wartanian and immediately sent another letter about the doctor to the state board that licenses and disciplines physicians.

In the letter, dated June 29, 2000, Clements angrily noted that the board "chose to do absolutely nothing" about the complaint he had filed against Wartanian in 1994. "I recognize that doctors make mistakes," Clements wrote. "However, a physician who has had [so many] malpractice cases against them is in need of a meticulous examination of their practice."

Clements' second letter elicited a response last August from Dr. Samir R. Neimat, chairman of the state board. Neimat offered no indication of what the board intended to do but said it was aware of claims filed against Wartanian because it routinely reviews all such suits that are filed with a "certificate of merit."

Such certificates mean that a doctor hired by the patient's attorney has reviewed the records and has rendered an opinion that standards of care were not met.

Neimat also noted that the board had investigated Wartanian in 1994 because of Clements' first letter and "determined to close the case without formal action."

Clements' second letter apparently prompted the board to take another look at Wartanian - because the doctor says he got a letter "a few months ago" from the board saying that it was examining records from the Davis case.

Such matters often take a year or more to resolve, and Wartanian says he does not know the status of that review.

Officials with the state board and with MedChi, which is deeply involved in deciding which doctors the board investigates, say they cannot comment absent the filing of formal disciplinary charges. And no such action has ever been filed against Wartanian.

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Even before any problems reach the state board, hospitals in which doctors practice are supposed to review their work at least once every two years in the course of renewing their hospital privileges.

To a great extent, says Rothenberg, the Maryland Law School dean, state medical boards rely on these internal peer reviews to identify problem doctors. "The assumption is that the hospital is monitoring and evaluating the quality of the physicians practicing in that hospital," she said.

Like all Maryland hospitals, Harbor Hospital and North Arundel Hospital in Glen Burnie - where Wartanian has privileges but says he seldom practices - conduct such reviews. Officials at both hospitals say they cannot discuss Wartanian.

The head of Harbor Hospital's ob-gyn department, Dr. Samuel Smith, says its credentialing committee conducts "a tight review" of each doctor as he or she comes up for a renewal of privileges. He says that includes going over malpractice claims for the previous two years.

"If we identify a physician that is having problems for whatever reason," Smith said, "there is corrective action," such as counseling or remedial education.

In granting privileges, the hospital is saying physicians are "meeting professional standards," he said.

`If I could'

Besides the claims brought by Hayes, Davis and Smith, six other malpractice suits against Wartanian have been settled.

Most of these six settlements were made subject to secrecy agreements that prohibit the plaintiffs from talking publicly about their cases or the amounts they received.

"I'd love to talk to you about it if I could," said Shannon Anderson, whose daughter was born prematurely in 1993 with an irreversible brain injury.

The Pasadena woman's lawsuit, settled for an undisclosed sum, accused Wartanian of failing to diagnose and treat a strep infection she had developed during the pregnancy. Left untreated, it led to a fetal infection that caused the brain damage, according to allegations made in the suit.

In 1992, the daughter of Edward and Jennifer Spencer of Pasadena was born with brain damage, allegedly because Wartanian failed to do a Caesarean section when Mrs. Spencer's condition warranted using that procedure.

Mr. Spencer said terms of the out-of-court settlement prohibit him from talking about the matter. But records obtained independently by The Sun show the Spencers settled the case for \$600,000.

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A third case involving an infant who suffered brain damage was also settled privately with Wartanian's insurer. Dorothy Garner, who now lives in North Carolina, declined to comment on her suit.

Some of the 18 malpractice complaints filed against Wartanian over the past 20 years appeared to have little merit and were dropped early in the process.

In two cases, women tried to pursue claims on their own, without an attorney, and eventually dropped their suits. In another, involving a plastic drain allegedly left in a woman's abdomen after surgery, Wartanian was one of several defendants and was eventually dismissed from the suit.

One of the only two malpractice suits filed against Wartanian to apparently go all the way to a jury trial resulted in a judgment in the doctor's favor in 1997.

In that case, a woman who went to Harbor Hospital for a tubal ligation developed "a severe and massive infection" after surgery that developed into gangrene, according to her suit. A jury found that Wartanian was not at fault.

Two months ago, Wartanian's insurer settled the most recent case that had been pending against him. The amount of the settlement was not disclosed.

The case involved a 33-year-old Baltimore woman, Idella Gunter, who died of a pulmonary embolism shortly after giving birth in 1997. The suit was filed by her sister on behalf of her surviving children.

In that case, as in the others filed against him, Wartanian says the outcome was not the result of anything he had done wrong.

Many times in practicing medicine, he says, bad outcomes are no one's fault. "A complication is not a mistake," he said.

Wartanian says he's often surprised when people he has tried to help end up suing him. "It hurts you inside that you have tried everything for the benefit of this patient but you had some complications," he said, "and after all that they turn against you."