

May 6, 2019
Senate Judiciary Committee
Testimony in support House Bill 2014

Chair Prozaski and members of the Committee,

My name is Birdie Creecy and I am here today from Coos Bay, Oregon to support justice for victims of medical malpractice. The nightmare my family has gone through, I sincerely hope never happens to anyone else's loved ones. It's hard for me to condense this, but I will try, because this issue is so important.

In November of 2014, my husband Lowell went in for what we were promised would be a simple lower back day-surgery at the McKenzi-Willamette Regional Medical Center. He had gone to see Dr. Sherman for an injection to help with pain management – but the doctor encouraged us to go the step further with the surgery. My husband was very physically active and had even built a fence around our property for us to garden in just months prior. On the day of the surgery, Dr. Sherman was late getting into surgery and when he came to the surgical waiting area, he seemed rushed to report to me that surgery went well and that I could go in to see Lowell and prepare him to go home. Nurses were checking on his vitals, he was still groggy, and we were told to try to help get him up. The minute we got him up from the bed, it was like a flood – he had no bladder control period. A nurse went and got him some Depends after he soaked through 2 pair in their efforts to get dry underwear in place. Dr. Sherman had already left and the nurses were perplexed that he ordered Lowell to be discharged, especially with the thought of our driving to Coos Bay under those circumstances. All of the nurses present firmly stated that Lowell should not be released. One nurse asked us to wait and she left for a few minutes and came back stating, “yep, he's going home” and we were sent off with a prescription for Oxycodone and that was it.

One of the nurses called us the next afternoon to see how Lowell was doing and I said he was still urinating uncontrollably, to the point where I was mopping the floor with each Depends change. The nurse emphatically told me, “As soon as we hang up call the doctor and let him know what's going on!” – so I did and the office called me back to schedule an MRI for the next morning. Unfortunately, 48 hours without proper care, doesn't help with nerve damage and what had happened in that botched procedure turned out to be an epidural hematoma, bleeding two levels above and 2 levels below the surgical site causing my husband's complete incontinence.

The radiologist interpreting the MRI was unable to contact the doctor for this urgent report and stated that on his written report. On the 4th day after surgery, Lowell became incontinent of stool which required multiple showers every day. Our world fell apart. Lowell was reluctant to go anywhere except to his doctor appointments because he was always wet or soiled and deeply ashamed. He hated that I had to help clean him up. It was just so embarrassing for him. I told him it was a labor of love. He became very depressed. He had been making plans for our retirement years. We were very active. We loved to travel. Lowell was excited to plant his garden, grow corn – all our dreams were suddenly out of reach.

I should tell you that I worked in the medical field since 1955, and I knew enough to get a second opinion. We saw Dr. Ross, Neurosurgeon at OHSU who said "In a 3rd world country I could understand this lack of care, but in the United States, no." That really shook me up. Dr. Ross even testified in Lowell's case that what he saw was criminal. He stated that the damage to the nerves was irreversible at that point. Dr. Ross tried very hard to help, but after a spinal injection and surgery to remove bone that was pressing on the nerve at the site of the surgery by Dr. Sherman, he referred Lowell to Dr. Sdrulla, Pain Management Anesthesiologist at OHSU, who implanted a spinal neurostimulator with good results for a period of time.

Lowell's health and mobility continued to deteriorate. He went from a walker to a wheelchair, so we had to pay to renovate our entire home so he could get around, go to the bathroom, get from the house to the car. We were in a constant state of adjustment and paying for all the trips to the doctors, all the little things, the ointments and medicine for pain, I could have started my own pharmacy! All out of our pocket, depleting our entire savings.

The frequent repeated UTI's, sepsis and pneumonia continued. Lowell developed a scrotal abscess requiring surgery on May 15, 2018, resulting in the placement of a permanent indwelling urinary catheter. With the indwelling catheter, Lowell had more frequent UTI's, painful rashes, and the embarrassment of having a catheter bag on display.

On November 9, 2018, unable to get a physician to do a urinalysis with his urine demonstrating an obvious infection, I took Lowell to the Bay Area Hospital emergency room. Tests came back positive for sepsis and his chest x-ray was suspicious for pneumonia. He was taken to ICU and placed on a respirator for rapid breathing of 50 breaths per minute. Nine days later he was still on the respirator and had suffered a heart attack and stroke and was not improving. On the day Lowell passed, I told him how much I loved him and would miss him, but that I would be okay, it was okay for him to let go. Lowell took one more breath and passed. Lowell had not wanted to be placed on a respirator. He was done with the indignities and I wanted him to be free of pain and in peace.

My husband Lowell was an outdoorsman. At one point in our retirement we had a cattle ranch, and even had pigs and goats. He was an avid fisherman. We loved to go to the beach together and watch the whales. Towards the end, he couldn't even just go outside to enjoy the day. He was homebound and it was heartbreaking. The worst part was missing out on family events. We missed our grandson's and granddaughter's weddings because Lowell couldn't travel anymore. He didn't get to see his last 3 great grandchildren, and that broke his heart.

How can you ever put a price on a life or the preventable injustice inflicted on a good man? What happened to Lowell wasn't just a mistake, it was a series of negligent acts by a surgeon who didn't uphold his oath to do no harm. It was careless and it was cruel. Caps are unjust and don't hold wrongdoers accountable.

Please vote Yes on House Bill 2014.