



Midei files \$60 million lawsuit against St. Joseph Hospital

Doctor accused in stent cases defends actions, says hospital has smeared him

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Baltimore cardiologist Dr. Mark Midei on Thursday broke months of silence in the wake of accusations that he performed unnecessary medical procedures.

At a press conference Thursday in Pikesville with his wife and his team of legal counsel by his side, Midei announced he is bringing suit against his former employer, St. Joseph's Hospital, and the hospital's parent company, Catholic Health Initiatives.

The Baltimore County Circuit Court case seeks \$60 million in compensatory damages alleging fraud, invasion of privacy, economic loss and emotional distress.

In addition, the amounts could rise even higher, based on the doctor's pursuit of punitive damages for "economic losses as well as for past, present, and future pain and suffering, inconvenience, reduction in quality of life, lost wages, and reasonable medical expenses."

As the Towson Times reported in June, the Maryland Board of Physicians filed professional charges against Midei after conducting a professional review of claims that Midei repeatedly overestimated the degree of arterial blockage in his patients, leading to allegedly countless unnecessary surgical procedures.

The charging documents made public June 11 allege that Midei deceived clients in order to perform unnecessary, albeit successful, stent operations. The board alleged that "Midei reported high percentages of blockages in patients — such as 70, 80 and 90 percent — when the patient's actual levels of blockage were much lower, less than 50 percent."

At Thursday's press conference, Midei said he performed the surgeries on his patients as he would have if operating on a family member of his own.

"My true test of determining what is necessary and appropriate, is the test: 'Do I want this for my mom or my dad,'" he said.

Some of his patients have continued to back Midei, and a website and Facebook group have emerged supporting him.

Stephen Snyder, an attorney for Midei, questioned St. Joseph's post-surgical review of the doctor's procedures, further that St. Joseph's hospital could not opine to any reasonable degree of medical certainty that Midei's patients had any more or less blockage without fully reviewing all of the patients' medical records.

"[St. Joseph's] failed to look at the whole picture ... There can be in excess of 20 percent variability," Snyder said.

Midei said that his judgment was made at the time of the procedures — and suggested the hospital has the luxury of looking at each case in hindsight.

"It's very disappointing to see review of my work in some instances five years later ... where I had to make a judgment on the fly, at a patient's bedside," Midei said.

The doctor also said it does not surprise him that there is a disparity in regard to the percentage of arterial blockage when two different physicians review the same patient record.

Snyder said that in the wake of its review, St. Joseph's Hospital issued letters — sent via overnight

Federal Express delivery, he said — warning patients that they may have undergone unnecessary surgery.

“It placed an unnecessary scare in hundreds of cardiac patients ... What is unconscionable is that (St. Joseph’s Hospital) threw one of its own under the bus ... without the full picture,” Snyder said.

Snyder alleges that St. Joseph’s “induced (Midei) to sign a release, wherein they asked him to resign, (and) they told him they would assist him in (find working with) another institution, and (even) prepared a letter of reference (for Midei).

Snyder noted that his client’s allegations in the lawsuit announced Thursday are unrelated to recent federal subpoenas served on St. Joseph’s Hospital claiming kickbacks and improper relationships with MidAtlantic.

“The inquiry (related to the federal subpoenas) did not focus on Dr. Midei ... it was unrelated,” Snyder said.

A spokesperson for Catholic Health Initiative deferred questions to St. Joseph’s Hospital, which issued a statement after Midei’s press conference:

“We have not yet been served, and so cannot address the specifics of Mark Midei’s lawsuit. St. Joseph Medical Center will vigorously defend itself in this matter and believes the facts will support it.

“Throughout the review of stent cases at SJMC and the patient notification process, SJMC has been guided by a belief that it had a moral and ethical responsibility to put patients’ interests first.

“These principles continue to guide St. Joseph Medical Center in all areas of quality and patient safety.

“SJMC has worked closely and cooperatively with both the state and federal governments in their inquiries. SJMC notified and has provided updates to the appropriate state and federal regulatory bodies including the Maryland Board of Physicians, the National Practitioner Data Bank, Maryland Office of Health Care Quality and the Joint Commission.”

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