

Brody's license revoked

Reflects shortfalls of system of ensuring good medical care

By JEFF PATTERSON
Citizen Staff

A former Pasadena physician, who was involved in the largest malpractice suit awarded to date, has finally had his state license revoked.

Stripping Michael Prince Brody of his license to practice medicine, however, probably does not mean much to him now. He reportedly left Pasadena years ago and became involved with a faith-healing group in California. He did not bother to attend the Texas Board of Medical Examiner's request to attend his revocation hearings on Jan. 31.

Cancelling Brody's license, however, was reportedly unrelated to his and Pasadena Bayshore Medical Center's purported negligence that resulted in a \$119 million malpractice settlement.

According to an attorney for the medical board, the charges that led to revoking the license dealt with cases of Brody's drug addiction and medical incompetence occurring after the incidents alleged in the lawsuit.

It has been almost six years since the incidents that caused Brody's license to be revoked; four years since the malpractice case was settled. Yet, in a time when lawmakers are wrestling with tort reform and limiting civil awards, the Brody case continues to gain plenty of attention.

Brody was practicing obstetrics at Pasadena Bayshore Hospital (now Pasadena Bayshore Medical Center) in 1980 when his alleged negligence

resulted in brain damage to the newborn daughter of Ronnie D. and Linda Ferris.

In their suit, the Ferrises alleged negligence on the part of the hospital, certain hospital personnel and Brody when Brody failed to attend to Mrs. Ferris and her baby, although he had been summoned by the hospital staff.

As a result, the child, Andrea, was deprived of oxygen and now her brain will never mature beyond that of a 1- or 2-year-old. Although she is expected to live a full life span, she would never have normal control over her bowels and bladder, or be able to feed and clothe herself.

After the incident, Bayshore suspended Brody from its staff. The Ferrises eventually dropped all other defendants in the suit, except for the hospital, which they claimed was negligent by having Brody on its staff. Bayshore's insurance carrier, Insurance Company of North America, is paying the \$119 million damage award over Andrea's lifetime.

Still, in the medical board's revocation order, Brody's performance in the Ferris case is not cited. Instead, the board relied on evidence about Brody's lying on a license renewal form and evidence of his drug addiction during the time he was administering to the Ferris family.

The charges the board cited in revoking Brody's license are as follows:

•In an application for the renewal of his license in October of 1982, Brody lied when he certified that he had never been dis-

ciplined by a hospital. He had been suspended, reinstated and resuspended by Bayshore a year before.

•Brody had been abusing analgesic, sedative, and stimulant drugs — including amphetamine, benzodiazepine and opiate compounds which were detected in urine samples taken while he was hospitalized at the University of Texas Medical Branch in Galveston from July 26-30, 1981.

•During the period prior to his hospitalization, Brody had regularly been treating patients while suffering from an adjustment disorder with mixed disturbance of emotion and conduct, mixed substance abuse, and other psychological factors affecting physical conditions diagnosed by another physician.

•In seeking reinstatement to Bayshore in November 1981, Brody had agreed to certain stipulations to always provide adequate back-up medical coverage for his patients. Almost a week after his reinstatement, Brody left a patient unattended for three days over the Thanksgiving weekend, according to charges against him. Bayshore resuspended him on Dec. 22, 1981.

•Brody sought to perform surgery on himself to relieve abdominal pain and distension by self-inflicting a stab wound in his abdomen with a pocket knife. It resulted in his emergency room admission in the early-morning hours of Dec. 20, 1981.

Attorney Richard Mithoff, who along with then-attorney John Ray Harrison represented the Ferrises, said that after

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nearly four years it was about time the medical board revoked Brody's license.

"I think its obvious that the fault for all this be laid at the doorstep of the medical board in Austin," Mithoff said. "It's ludicrous for this thing to have taken five years. I've been told by several doctors that they made complaints about Dr. Brody to the board several times. For this action to have taken this long is reprehensible"

Reasons for the delay from the medical board came two-fold.

The first was that such action requires careful scrutiny. As one attorney remarked, "a doctor might have spent his whole life preparing to be a doctor and we must be careful when we decide to take that livelihood away."

The second response is the lack of staffing and authority the medical board is allowed in Texas.

Stories of the medical board's inadequacy have been known

for some time. Just over a year ago, it was revealed that the board only had eight investigators and one part-time attorney covering the entire state.

Such revelations brought about changes that enlarged the investigatory arm of the medical board and hiring five full-time attorneys on staff. In fact, board attorney Paul Gavia, who prepared the charges revoking Brody's license, was hired as a part of that effort a little less than a year ago.

Gavia picked up the Brody file, along with several other cases he was working on, and prepared the charges last fall. Until then, technically, Brody could have still practiced in Texas if he could have found a hospital to grant him staff privileges.

The medical profession has even held sway with lawmakers over the years, according to Gavia, in that hospital minutes of peer-review meetings and suspension hearings are confi-

dential and beyond the reach of medical board examiners.

Although a majority of the cases the board receives are from formal complaints by other physicians or by patients, Gavia said the board has fairly lax rules on accepting complaints.

Sometimes an investigator will be tipped off to a newspaper article or an anonymous call or letter. Brody's case, Gavia said, started with a newspaper clipping — ostensibly about the lawsuit — and started their investigations from there.

All bearucratic reasoning aside, however, attorney Mithoff has his own idea on why the revocation finally happened.

After the magazine articles, legislative committee hearings and even an edition of ABCs "Nightline" last year, it was something that just could not be ignored.

"It just got to the point that they had to resolve the matter," Mithoff said.