

Clark v. Stover

Facts

Donald Clark was a fifty-four year old white male living in Illinois with his wife, Mary Carter Clark, and two children, Kim who is 16 years old and Ted who is 14 years old. On July 26, 2014 Donald Clark committed suicide. A malpractice lawsuit was filed on December 8, 2014 against Dr. Stover, the psychiatrist who treated Donald Clark prior to his suicide.

Family History:

Donald Clark was the second oldest of four children in his family of origin. His two sisters live in the Chicago area. His younger brother, Ted, was killed in an automobile accident at age nineteen while driving under the influence of drugs. Growing up, Donald was closer to his brother than to his sisters and had a hard time dealing with Ted's death.

Donald's mother is living, is in relatively good health and works part-time at a local department store. She has insulin dependent diabetes mellitus. When Donald was growing up his mother was often "too tired" to attend family and school activities. Sometimes she would spend an entire weekend in her room, "just too tired to come out."

Donald Clark's father died of pancreatic cancer in February 2013. He had a history of alcohol abuse but eventually joined AA, and was sober for ten years prior to his death. Donald's paternal grandfather was an alcoholic who committed suicide at age 38 by shooting himself in the garage of his home.

Mr. Carter, Mary Clark's father, died of cancer in March 2014. He was diagnosed with cancer two months after his retirement. Donald and Mary Clark were the primary caretakers for him. Mary Clark's mother died when she was a child.

Patient History:

When Donald started elementary school his teachers complained that he had trouble concentrating and had a short attention span. He was prescribed Ritalin for about one and a half years by his family physician in response to this problem. In fourth grade he was diagnosed with some learning disabilities and received some special instruction and individual tutoring.

Donald was an average student in high school. He played baseball in a community league but never tried out for varsity sports at school because he didn't think he was good enough. In high school he would skip classes so he could go hunting with his father. These hunting trips were about the only time he spent time with his father. After graduating from high school, Donald started working as a mechanic's helper at the local utility company.

Prior to his marriage, Donald went through a twenty-eight day alcohol rehab program in his early twenties. Diagnosis at that time was listed as "alcohol dependence, r/o depression." He went through this program in order to keep his job. He was having an absenteeism problem at work due to drinking in the evenings and on weekends. Mary Clark never knew that her husband went through the alcohol rehab program.

In August 2013, Donald was promoted to a manager's job at the utility company. He got his B.A. degree in May 2012 by going to night school through a program sponsored by his employer. He took one graduate level course and planned to obtain a Master's Degree in Business Administration.

Mary Clark is a paralegal who works part-time. Mary wants to go to law school when the children are older. Donald always said that Mary was the only person who really understood him. They dated for a while in high school but lost touch when Mary went away to college. They got reacquainted at a high school reunion, started dating and got married a year later. Mary says Donald was a good father and was working very hard to "better himself" by going back to school. Mary says that her husband would sometimes gets "moody" and when he was in one of his "moods" even his children couldn't cheer him up. Sometimes they both felt overwhelmed because of all their work and family responsibilities.

Donald started drinking again after the death of his father. In January 2014, Donald was diagnosed with diabetes mellitus and on the advice of his family doctor started attending AA meetings to help stop drinking. He became despondent after the death of his father-in-law and his drinking increased. He told Mary that he didn't know why they were working so hard to get ahead, both their fathers worked hard their entire lives and died before they ever had a chance to enjoy retirement. One evening in July 2014, Mary came home from grocery shopping and found Donald sitting in the tool shed in their backyard with his shotgun next to him. He had been drinking. He was crying and stated that he planned to shoot himself but thought about her and the kids and then he couldn't do it.

Mary Clark called their family doctor who advised her to take Donald to the ER at the local hospital. He was admitted to the inpatient psychiatric unit at Downtown General Hospital with a diagnosis of major depressive disorder, single episode and alcohol abuse. Dr. Stover was assigned as Donald Clark's attending psychiatrist.

Hospital Course:

Donald Clark was in the hospital for four days. He told his wife he did not know why he needed to be in the hospital with "these crazies." He told Dr. Stover about his treatment for alcohol problems and told the doctor not to reveal this to Mary. Dr. Stover did not obtain medical

records of Donald's treatment from the alcohol rehab program. During this hospitalization Donald stayed to himself and did not talk much in groups or to the staff. When required to, he participated in unit activities on a superficial level. He did attend AA meetings held at the hospital and agreed to continue this after discharge.

Dr. Stover documented that Donald's affect was sad throughout his admission and his mood was depressed. He denied active suicidal ideation, denied a plan, made no suicide attempts while in the hospital. He told Dr. Stover he really did not plan to kill himself, he was just feeling down and when he started drinking he wasn't thinking straight. Throughout the admission Donald informed the staff and Dr. Stover that he had to get back to his job. He was very concerned that people at work would find out that he was hospitalized on a psychiatric unit. He became more and more agitated about wanting to leave during his last two days of admission. He told Dr. Stover that he was fearful that his psychiatric admission would be used against him by his boss and insisted that he be discharged from the hospital.

He was started on Effexor 75 mg per day in two divided doses and Ambien 10 mg. h.s. during the hospitalization. Dr. Stover was concerned about Donald's lack of insight into the severity of his condition but agreed to discharge him (instead of discharging him against medical advise) if he would come to an intensive outpatient program (IOP) after discharge. Mr. Clark scheduled his attendance with the coordinator for the IOP so that he could go back to work and come to a three-hour outpatient program three days a week, in the evening, after work.

Donald Clark went to work the day after discharge and attended the IOP. He met with the nurse clinician for an initial assessment for admission into the IOP, complained that he had just told the staff at the hospital this same information and didn't know why he had to go through it again. He attended a group therapy session, told the group the only reason he was there was that sometimes he had a bit of a drinking problem but that he was getting it under control and wouldn't be coming to the group for very long. The social worker leading the group noted that Donald was constantly looking at his watch, fidgeting, and appeared anxious to leave. When another group member talked about feelings of suicide in the past, Donald said he didn't know why anyone would bring up something so personal in a group of strangers. After the group, the social worker and nurse clinician discussed Donald's lack of insight and commitment to treatment, decided they would inform Dr. Stover if they didn't see any improvement in the next two days.

Dr. Stover was paged by the doctor on-call at the local hospital ER at 4 a.m. the next morning. Donald was in the hospital because he ran his car into a tree. He had been drinking. After obtaining a history from Mary Clark about Donald's recent hospitalization the ER doctor was concerned that the accident was a suicide attempt. Dr. Stover had Donald admitted to Brook Psychiatric Hospital, a freestanding private psychiatric hospital where he admits most of his patients.

Second Hospitalization:

Donald was admitted to the hospital with diagnosis of major depressive disorder and alcohol abuse. He was placed on a 15-minute observation level at admission and remained on that observation level until the day before discharge.

He isolated himself from other patients except to attend scheduled activities on the unit. The staff member that he talked to most was a male psych tech, about his age, who also liked sports and hunting. On several occasions during this hospitalization he talked to the psych tech about how hopeless he felt about the future. He told the psych tech that his kids meant the world to him but he didn't even enjoy being with them anymore and said that they would probably be better off without him and all his problems. The psych tech mentioned this information to the charge nurse, but did not document it in the medical record. The night shift nurse documented that Donald had early morning insomnia every day during his hospitalization. He would be up pacing the hallway by 4:30 a.m. and told the nurse that he was "going crazy" because he could not get outside to take a long walk and relieve some of the tension that he felt. No one reported this to Dr. Stover.

Dr. Stover attended treatment team meetings and discussed patients generally with nurses but did not read all the progress notes. She relied on the staff to bring all pertinent issues to the treatment team planning meeting. The charge nurse was not working on the day of the treatment team meeting about Donald.

During the hospitalization Dr. Stover ordered a consult with an internist and a nutritionist because of Mr. Clark's recent diagnosis of diabetes. After the meeting with the internist Donald told the psych tech that he felt like his body "was just falling apart," and feared that he would become dependent on insulin injections like his mother.

Donald did not want his children to visit him at the hospital and told his wife not to tell the children the real reason he was hospitalized. He frequently called his wife on the phone and told her how important it was for him to get out of the hospital and return to work. When Mary Clark visited she noticed that her husband had made lists of projects that he needed to complete at work. She was also worried because Donald would insist that she call her friend, who was a secretary where her husband worked, and find out everything she could about what was happening there and report back to him each day. Mary planned to mention her concern to Dr. Stover.

Dr. Stover documented that Donald had passive suicidal ideation, stating that his family would be better off without him but denying that he had a specific plan. He did sign a "no harm contract" with the hospital staff. His affect was sad and mood was depressed throughout the

hospitalization. Dr. Stover changed Donald's medication to Prozac 20mg. He ordered Donald to be observed for signs of withdrawal and discussed with him whether he would consider Antabuse. Dr. Stover saw him three times during his six-day admission.

Dr. Stover wanted Donald to stay in the hospital longer than six days because his depressive symptoms continued, particularly his hopelessness, but insurance benefits were running out. The review nurse at the managed care company notified Dr. Stover that she would not authorize additional inpatient days but that the patient could be admitted to a short-term intensive outpatient program. Dr. Stover disagreed but did not appeal the decision.

Dr. Stover planned to meet with Donald and Mary Clark to discuss the discharge plan prior to discharge. However, Dr. Stover and Mary could not work out a time convenient for both of them, so Dr. Stover and Donald met briefly before his discharge. Donald agreed to go back to the IOP after discharge but said he could not schedule the initial appointment until he returned to work and could establish his schedule. He left the hospital without an appointment, but promised to call within the next week to set a date for attending the IOP and a follow-up appointment with Dr. Stover. Donald was given a discharge instruction sheet with the telephone number of the IOP and the location of the closest AA meetings, and a prescription for Prozac. Dr. Stover had asked Donald and Mary early in this admission if there were firearms at home and asked Mary to remove them. Mary was aware that her husband did not plan to continue treatment and that he had not always taken the medications given to him in the hospital. She did not inform Dr. Stover.

On the day before his discharge Donald told his wife to take the kids to stay with his mother for a few days so that he would have some time to adjust when he came home. He went to work the day after discharge and when he got home reported to his wife that he was overwhelmed by the work that was waiting for his return. The following day Mary got a call at her office from Donald's boss stating that he had not shown up at work and he did not answer the phone at home. She went home and found her husband in the tool shed. He had shot himself in the head with his shotgun. When paramedics arrived they found Donald had a faint pulse. He was transferred to the hospital and placed on life support. After consultation with the neurologist and family doctor, Mary made the decision to have life support removed. This was 16 hours after she found Donald in the toolshed.

Three months later, the day after she received the bill for Donald's hospital care, Mary contacted a lawyer to discuss a malpractice lawsuit.