



CASE REVIEW

Misdiagnosed Cancer Lawsuit Results in \$3.5M Jury Award

A Texas jury has returned a \$3.5 million award in a medical malpractice lawsuit filed by the family of a woman who died after a doctor failed to diagnose cancer.

The case was filed by the family of Melissa Hendricks in Denton County, Texas. Hendricks died on December 14, 2004 of cancer that went undiagnosed for nearly a year and a half, despite repeated medical visits and concerns expressed to her health care providers.

The verdict, which was returned in a case filed against Dr. Stephen Glaser, physician assistant Jason Maris and Highland Family Medical Center, is reportedly one of the largest in the county since Texas tort reform was enacted in 2003. According to the Denton Record-Chronicle, verdict will be reduced to \$1.5 million under a Texas medical malpractice law that limits the amount of damages that can be awarded for non-economic damages.

In the misdiagnosed cancer lawsuit, Hendricks family alleged that she first noticed a small lump on the top of her head in mid-2002 and visited the medical center and Dr. Glaser in October of that year. She expressed concerns about the lump because her mother had died of cancer, and Glaser misdiagnosed the bump as a sebaceous cyst, which is a nonmalignant lesion.

A week later, the cyst was removed by Maris, who worked for Glaser. However, the cyst was discarded and no testing was performed to confirm the original diagnosis.

Approximately one year later, the lump returned and Hendricks went to another doctor, who did not remove the lump because she was pregnant. It subsequently grew in size and was confirmed as sarcoma, a form of cancer. Despite an 11th hour fight against the cancer, Hendricks died less than a year after the correct diagnosis.

Early cancer diagnosis is important in nearly all forms of the disease, as treatment options may not be available or as likely to succeed if time elapses because of a cancer misdiagnosis. Patients diagnosed with sarcoma in its early stages who receive proper treatment have a much better prognosis, with the possibility of a full cure if all of the cancerous cells can be completely removed from the body. In later stages, the cancer spreads to the lymph nodes and beyond, making it more difficult to treat.

The jury determined that Glaser and Maris were each 45% responsible in the wrongful death misdiagnosis lawsuit. The other 10% of the responsibility was attributed to Hendricks', for waiting to have the lump examined given her family's cancer history.

