

Medical blunder

■ Long Beach woman sues Westchester lab after misdiagnosis of cancer leads to her double mastectomy.

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When she heard the diagnosis of invasive lobular carcinoma, Darrie Eason had but one thought: Please don't let me die.

Four months and a double mastectomy later, doctors told Eason that her tissue sample had been mislabeled, and that she never had cancer.

"I didn't know what to believe," said Eason, a 35-year-old single mother from Long Beach. "They told me I had cancer and now they're telling me I didn't. I didn't know if the next day they were going to call me and say, 'Sorry, we made a mistake, you really do have cancer.'"

According to her attorney and a New York State health department report, Eason is the victim of a mix-up at the CBLPath medical lab in Rye Brook, N.Y. Eason filed a lawsuit against CBLPath in State Supreme Court in Mineola last month seeking an undisclosed sum of money.

The 1 1/2-page state report, issued last August to CBLPath, refers to a company report that blamed the mix-up on a technician who admitted cutting corners while labeling tissue specimens.

CBLPath chief executive William Curtis said he was familiar with Eason's case but could not speak about any of his company's patients because of federal privacy laws. He said the CBLPath doctor who signed off on Eason's diagnosis, Dr. Beiyun Chen, no longer works for the company but said her departure "has nothing to do with this case." Chen could not be reached for comment.

The technician responsible for the mix-up, Curtis said, also is no longer with the company. He declined to say whether the technician's departure was related to this case.

While the state report found "no systemic problems" at CBLPath, her attorney, Steven E. Pegalis, of Lake Success, said the lab must be held accountable for its error.

"You kind of assume that if a lab diagnoses you as having cancer, you've

got it," he said. "How do you have faith and trust in systems that are supposed to be infallible?"

Pegalis said they chose not to sue Eason's doctors because they were working with flawed information provided to them by CBLPath.

Medical experts say mistakes of this magnitude are extraordinarily rare. Jim Conway, a senior fellow at the Institute for Health Care Improvement, a not-for-profit health research organization in Cambridge, Mass., said labs must create systems that prevent human errors from going unchecked.

"We have to put in place systems that mitigate chances of a human being making a mistake," he said.

Claire Pospisil, a spokeswoman for the state health department, said mistakes like Eason's are "very rare" in New York. She said the state's investigation ended with its report.

The case is not the only one of its type on Long Island.

In 2005, Lynne Yurosko of Garden City underwent a lumpectomy and 25 radiation treatments before being told she never had cancer. Last year, Yurosko, now 57, sued the Quest Diagnostics lab, the Nassau Radiologic Group and four doctors. Her case is set to go to trial next year, said her attorney, Bob Sullivan of Garden City [CORRECTION: Lynne Yurosko of Garden City, who underwent a lumpectomy and had radiation treatments for cancer she did not have, dropped her lawsuit against Nassau Radiologic Group in December. A story Wednesday cited the lawsuit, which still is outstanding against Quest Diagnostic medical lab. A17 ALL 10/5/07].

Eason, who works in the accounts receivable division of a community newspaper chain, said she is in constant physical and emotional pain from the surgery. She has less strength and flexibility in her upper body and is no longer able to perform tasks like opening her office window. She said she hopes that by bringing her case to court, she can help to fix the system.

"I'd like for no woman of any age to have to deal with the pain and the emotions that mistakes can cause," she said. "And I'd like somehow to change this — mistakes like this can't happen."

STEPS AND SAFEGUARDS

How often is breast cancer misdiagnosed?

In a report last year, Susan G. Komen for the Cure estimated between 5,000 and 10,000 breast cancer diagnoses annually may be wrong. The organization, which funds numerous major breast cancer studies, estimates as many as 90,000 women who are living with breast cancer in the United States may have inaccurate diagnoses.

Are patients often diagnosed as having cancer and then scheduled for surgery?

While misdiagnoses do occur, situations involving a misdiagnosis of cancer and subsequent double mastectomy are virtually unheard of, said Dr. Dwight Randle, Komen's senior scientific adviser. Randle said widespread use of electronic record-keeping has helped eliminate clerical errors involved in misdiagnoses. Nonetheless, Komen officials are pressing for the unification of pathology standards to ensure that laboratory procedures, which underlie each patient's regimen of care, are the same at medical and cancer centers nationwide.

What safeguards are in place to ensure that patients receive the correct diagnosis and surgery?

A team of multiple specialists consult with each other and examine mammograms and laboratory findings and then recommend a treatment plan. Checks and balances, Randle said, are built into the multidisciplinary approach, helping to prevent devastating mistakes.

Are team-oriented programs available on Long Island?

Yes. All major cancer centers and breast-care centers in Suffolk and Nassau offer team-oriented care.

What safeguards are in place to prevent a patient from receiving the wrong surgery?

Many medical centers are adopting what Randle calls the Florida Plan. Before anesthesia is administered, the patient verbally states the reason for the surgery. Each health care provider in the surgical suite also verbally states the reason for the surgery to ensure that everyone is in agreement and aware of why the procedure is being performed.