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Shawnee Mission hospital defends itself against Deffenbaugh suit

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Shawnee Mission Medical Center contends business mogul Ronald Deffenbaugh was on painkillers not provided by the hospital when he fell off an X-ray table and was paralyzed last summer.

Responding Tuesday to a lawsuit filed by Deffenbaugh last month accusing it of negligence, the hospital professed sympathy for him but said that the accident was not its fault and that many of Deffenbaugh's allegations were false.

Deffenbaugh's lawsuit alleged that while he was in the hospital in June for a medical procedure, he was left sedated, improperly restrained and unattended on an X-ray table. It said he fell off the table and broke his neck, leaving him permanently paralyzed from the neck down.

The suit, which was filed just a few weeks after Deffenbaugh, 66, sold his waste management business, **Deffenbaugh Industries**, for an estimated \$300 million-plus, sought unspecified economic and other damages from the hospital.

In its answer, Merriam-based Shawnee Mission Medical Center contended that Deffenbaugh was not sedated or anesthetized when he fell off the table and that "one or more radiology technologists" was with him at all times.

Rather, the hospital said, Deffenbaugh "had an altered mental status due, at least in part, to his overdose of pain medication. Also, medications were found in and on Mr. Deffenbaugh that had not been prescribed for him or administered to him by hospital personnel."

The hospital's response does not specify how or where Deffenbaugh obtained the medications. But the hospital's attorney, Bruce Keplinger, said Tuesday that Deffenbaugh's doctors at the hospital were mystified by the presence of the tranquilizer benzodiazepine in his bloodstream six days after he entered the hospital, "when it hadn't been prescribed for him either before or in the hospital."

"Interesting things were going on which may explain why he was obtunded," Keplinger said, using the medical term for dulled or deadened. "But the big issue here is whether we were meeting the standard of care when he fell off the table.

"We freely admit that sick people deserve good care even if they were sick for some unusual reason. ... If they hadn't brought it up — that he was sedated and anesthetized — we wouldn't have brought this up."

James Frickleton, one of Deffenbaugh's attorneys, said that regardless of how Deffenbaugh arrived at his condition, the hospital "put this man, who was barely conscious, on a table. ... Yes, it's our understanding — although they've blocked our access to any real information so far — that there was someone in the room, but he wasn't taking care of Mr. Deffenbaugh."

"We've done everything we could to try and resolve this thing without a lawsuit," Frickleton said. "But they've refused to take any responsibility. That leaves us with few choices."

Until the accident, Deffenbaugh ran Deffenbaugh Industries, one of the biggest waste-management companies in the Midwest. The Shawnee-based company serves 450,000 residential and commercial customers in four states and owns numerous affiliated businesses, including the Johnson County Landfill.

On Dec. 21, the company was sold to **DLJ**, a private equity arm of **Credit Suisse**. Sources pegged the value of the transaction at \$300 million to \$350 million.

Company officials said the sale was unrelated to Deffenbaugh's accident and was in the works before he entered the hospital after suffering a reaction to pain medication for a back problem.

In his lawsuit, Deffenbaugh alleged that he entered Shawnee Mission Medical Center on June 20. Eight days later,

after he experienced trouble swallowing, doctors decided to insert a catheter so he could be fed intravenously.

Deffenbaugh alleged that he was sedated and transported to the radiology department to have the line inserted. He further alleged that a radiology technician left him unattended and that he fell off the table.

A CT scan of his neck showed "a C-2 neck fracture near the base of his skull causing significant damage to plaintiff's spinal cord, almost severing it," Deffenbaugh's lawsuit stated. "Plaintiff eventually awoke from anesthesia to find himself a ventilator-dependent quadriplegic."

The hospital's answer Tuesday was somewhat unusual in that it didn't merely contain a general denial of the petition's allegations, the typical response to most lawsuits, but was at pains to defend the hospital's conduct.

"The people of Shawnee Mission Medical Center are sympathetic to Mr. Deffenbaugh's condition and acknowledge that he suffered a serious injury while he was in the hospital," the hospital stated in an introduction to its answer. "That he suffered an injury while he was in the hospital, however, does not mean that the injury was the fault of the hospital."

Deffenbaugh, it said, "had been in an altered state" since arriving at the hospital "for reasons that had not been determined, but may have been caused by his overdose of narcotic pain medication."

The hospital insisted that Deffenbaugh was not sedated, that he was properly positioned on the X-ray table and that he was not left unattended. Nor did standards of care require that he be restrained, it said.

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