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\$5.2 million settles suit over hospital outbreak

By Elizabeth Allen - Express-News

Different players in a lawsuit over a deadly 2006 hospital outbreak of Legionnaires' disease used different words to describe the circumstances that bred the bacteria.

A lawyer called it a “perfect storm,” a widower referred to “Keystone Kops” and a scientist said it was like “the sun and the moon and the stars lining up together” while discussing a \$5.2 million settlement Wednesday.

The outbreak, tied to a combination of construction problems and flaws in water heaters at North Central Baptist Hospital, claimed three lives and sickened seven other people, with most of those linked to the hospital water system.

Al Evans said all his wife did was drink a glass of water and use the restroom while visiting a sick friend in early May 2006. He and Ruth Evans, his wife of 39 years, were visiting Susan Tripp, who was recovering from surgery in a new wing of the hospital.

“The same day we were in there, they came rushing in, took her (Tripp) out of there, said not a word to us and put her in the ICU,” Evans said.

Tripp would be diagnosed with Legionnaires' disease within days, and a little more than a week later Ruth Evans went to the emergency room, gravely ill. She died May 22. Tripp survived but remains in poor health, according to court documents.

LEGIONNAIRES' DISEASE

What is it?	A type of pneumonia caused by the legionella bacteria. The bacteria got its name in 1976, when many people attending an American Legion convention suffered from an outbreak.
What are the symptoms?	Usually begin within two to 14 days of exposure to the bacteria and are similar to those caused by other forms of pneumonia: fever, chills and a cough.
How common is it?	Most healthy people do not get sick when exposed to the bacteria, but people with chronic lung diseases or compromised immune systems are at risk. Between 8,000 and 18,000 people are hospitalized with the disease in the United States annually.
How do people get it?	By breathing in a mist or vapor contaminated with the bacteria. It is not spread by person-to-person contact.

HARRY THOMAS/STAFF

John Gomez and Thomas D. DeChant both died from Legionnaires' disease after being admitted to the hospital in April and May 2006 for different ailments. Rudy Martinez, who was caring for his hospitalized wife at the time, fell ill with the disease but survived, remaining in poor health, and so did John E. Swaney, who was visiting a friend at North Central Baptist.

They or their survivors became plaintiffs in a case that targeted the hospital and several contractors and suppliers connected with the hospital's water system.

The hospital joined the settlement, but did not admit fault.

“Evidence showed that the hospital was not at fault in the outbreak, but agreed to pay less than 7 percent of the total settlement, which is less than the projected cost to continue to defend against the suit,” said a hospital statement.

The hospital took action to clean up its water system, said Clem Lyons, lawyer for the six plaintiffs and their families.

“There's no question that there was an outbreak at the hospital,” Lyons said, “but as soon as they found out what was happening, they responsively responded.”

The legionella bacteria may have entered the system when a contractor broke a water main on the property in April 2006.

The contractor did not disinfect the line when it was repaired, said Jennifer Clancy, a microbiologist hired by the plaintiffs. Any bacteria that may have been in the dirt could have traveled to the hot water system.

From that point, the lawsuit contends, there was a series of failures. The water heaters were not properly installed and the pumps that were supposed to circulate the water failed and left a “dead zone” where the water wasn't heated to 140 degrees, which would have killed the bacteria. That allowed the legionella to

multiply to dangerous levels and spread throughout the system.

Mary Wilson, a lawyer who worked with Lyons, called it the “perfect storm.”

“This was certainly a case where numerous factors came together to permit an outbreak,” she said, and so the lawsuit targeted seven contractors along with the hospital.

Evans said learning about the circumstances made him feel he was watching “Keystone Kops” — with tragic results instead of comic ones.

“The emotional strain of this continues on me,” he said.

Finding an answer to a legionella problem isn't easy, Clancy said.

“It's very difficult to clean out a water system once you've got legionella,” she said. “It grows in biofilm... what we brush off our teeth every morning. ... It grows on the pipes and on the valves.”

Chlorine and ammonia treatments, along with very high water temperatures and ozone treatments, are commonly used to attack the bacteria, but it can take several tries and many months to truly clean out, Clancy said.

It's also a common problem for hospitals, which have large water systems and lots of guests whose immune systems are weakened.

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