

Mom frets over future

Doug Williamson

Windsor Star

Friday, January 27, 2006

A Windsor woman has retained legal advice after learning she received possibly contaminated bone fragments during back surgery in late 2004.

Maureen Arsenault, 37, said she wants compensation if she tests positive for any one of several life-threatening infections linked to improperly screened bone originating in New Jersey. But she said she also wants to make sure nothing like that happens again.

"This stuff can't go on," Arsenault said Thursday. "These are not things we worry about when you go into surgery."

WERE WARNED

The mother of three is one of 21 orthopedic and neurosurgical patients at Hotel-Dieu Grace Hospital who were warned they should get blood tests for diseases such as HIV, syphilis and hepatitis. The hospital learned last November that 24 bone products sold to Canadian suppliers were among 300 across Canada that could have been tainted.

The original donors were not properly screened for the diseases, U.S. and Canadian health authorities announced last Oct. 26.

But the Hotel-Dieu Grace patients were not notified until recently.

Windsor lawyer Greg Monforton, representing Arsenault, said his investigation could take months, and the case may end up in U.S. courts. He said potential defendants include Biomedical Tissue Services, Health Canada, supplier firms, medical personnel and cited "possible responsibility on the part of Hotel-Dieu."

Hospital chief of staff Dr. Art Kidd said the institution is confident it handled the situation properly.

"We are not taking any specific measures with regard to being concerned about legal ramifications," Kidd said. "We are comfortable we followed all appropriate procedures."

Calling the situation a "tragedy," Monforton questioned the delay in notifying Arsenault of the need to get tested. Kidd said there was a delay in identifying one of the 21 affected patients, and considering that some of the surgeries took place in 2003, the hospital felt an extra two-week delay was not a problem since it wanted to notify everyone at once.

He also noted that while medical officials have said the risk of becoming ill is negligible, the letter from Hotel-Dieu Grace to Arsenault says "the actual infectious risk is unknown."

"We really don't know the magnitude of the risk," Monforton said at a news conference in his office.

Health Canada says none of the 125 Canadians who received the products have been found to be ill.

Arsenault will go for testing, but she and Monforton wouldn't comment on whether the legal action would be dropped if she is found to be illness-free. "That remains to be seen," Monforton said.

In the meantime, life has changed for the mother of three daughters aged 16, 12 and 6, and her common-law spouse Bob Thrasher, 40.

"I'm just very concerned," Arsenault said. "Some of the things they're talking about are very scary.

"It can affect my family, it can affect my spouse."

Since being notified, her family is taking precautions to limit possible spread of infection, she said.

"If anything was going to happen, it would have happened by now, unfortunately," Arsenault said.

Monforton stressed the case will take months to develop. Arsenault said she decided to seek legal representation and hold the news conference to highlight the issue, as well as out of "confusion with everything going on. I just thought I needed to contact someone."

She also said she had no idea that donated body parts were being used in her surgery.

"We think that is the type of thing anyone would want to know," Monforton said.

An Amherstburg man who is one of the 21 Hotel-Dieu patients said the consequences of even one person being infected could be disastrous, depending on the illness.

"Multiply that by 50," said Richard, a 36-year-old on disability who didn't want his surname revealed.

"This is all because of somebody's mistake. That's not a mistake, that's an atomic bomb going off," he said.

Richard took his blood test Wednesday at Hotel-Dieu Grace and said he was angry and stressed out, with only his girlfriend keeping his emotions in check.

"Right now I'd be out taking someone's eyeballs out."

It will be 11/2 weeks before Richard knows the results of his test.

"I can't eat. I can't sleep."

© The Windsor Star 2006

CLOSE WINDOW