

Breaking the Silence

The Sharon Williams case ends with a measure of justice--but the real struggle is only beginning

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PHOTO COURTESY OF JAMES WILLIAMS

Better times: James Williams has faith that Sharon, his wife of nearly 23 years, will fully regain consciousness

James Williams is running a little late on this overcast October morning, but as he sweeps into his wife Sharon's hospital room he takes a moment to greet her nurses before bending to kiss her. She is sitting up in a chair. Her eyes are open, moving about the room, and from time to time she turns her head.

The routine is a familiar one. Williams has been by his wife's side nearly every day since April 11, 2000, when she lapsed into a coma after undergoing routine surgery at Fairview-University Medical Center's Riverside campus. A subsequent state investigation found that her nurse left her alone in the recovery room after administering the pain medication morphine, neglecting to activate the alarms on the device that monitored the patient's vital signs. At some time after that, Sharon Williams stopped breathing. By the time the staff began resuscitation, her brain had been deprived of oxygen for several minutes, leaving her with profound brain damage.

For the past year and a half, the 46-year-old Williams has continued his vigil, sitting with Sharon, talking with her, praying with her. There have been only a few occasions when he couldn't come to this Golden Valley care center. Some days he was traveling, meeting with medical experts in the hope of finding a way to help his wife. Other days he sat in a courtroom, or in depositions, or in mediation

sessions, hoping his lawsuit against Fairview Health Services would finally shed light on the events that brought Sharon, who turned 44 this summer, where she is today. (The Sharon Williams case was the subject of "The Silent Treatment," *City Pages'* January 31 cover story.)

That part, at least, is over. Earlier this month Williams reached a settlement with Fairview, ending his medical malpractice lawsuit. Financial terms were not disclosed, although Fairview-University Medical Center issued a statement that expressed sympathy for the Williams family and said that "this resolution will provide for Sharon Williams' medical care for the rest of her life."

This morning, less than a week after the settlement was finalized, the exhaustion--physical, mental, emotional--is apparent on James Williams's face. The financial worries no longer gnaw at him. "Now I can focus solely on her condition and her medical treatment and having the resources to pay for what we need," he says. But, he adds, "Another side of me says this matter will never be over."

Though the legal claim has been resolved, Williams is clearly still angry with Fairview for its treatment of his wife and for its repeated failure to explain what happened.

Much of the information gathered about the events in the recovery room was part of the hospital's internal investigation. Under state law, such investigations, known as "peer reviews," are confidential. That way, the thinking goes, hospital staff can candidly discuss incidents without fear of liability, creating an open dialogue that will in turn improve patient care.

Williams and his attorney William Tilton dispute that notion. Open disclosure of mistakes, they argue, is the way to improve patient safety; confidential peer reviews have the opposite effect. "It's used to hide documents, hide dirty laundry, and its justification as a self-policing policy is false," Tilton asserts.

Williams hopes his family's tragedy might make lawmakers reconsider those policies, and make hospitals focus more attention on patient care. "This is particularly egregious. I would like that the public would have some real insight about what happened to us, so hopefully there would be enough concern and attention that something like this will never

happen again," he says. "There were so many mistakes made. How many of these types of things go on? Is this an aberration, a one-in-a-million type thing? Or is it more like one in ten?"

The confidentiality of the peer review created an obstacle that for months kept Williams from learning precisely what transpired when his wife emerged from the operating room after undergoing a hysterectomy. The turning point, he says, came just a few months ago, when his attorney discovered that a witness had been present in the recovery room while Sharon Williams was there. Tilton had to get a court order to compel Fairview to release her identity. "Once we subpoenaed this person and took her deposition, it was appalling," Williams recalls.

Documents filed in Hennepin County District Court cite the testimony of the witness, the mother of a 13-year-old patient who had just undergone a surgical procedure. The woman, whose name was redacted from the documents, testified that for four to six minutes, during which she was at her daughter's bedside, no nurses were present in the recovery room.

"I thought, Where did everybody go? I was holding my daughter's hand. I thought in my head, Geez, where is everybody? Where is the nurse?" the witness testified. "I sat there and I kept thinking to myself, Where is the nurses, why isn't anybody coming in here, why aren't they attending to my daughter?"

Meanwhile, the woman noticed, Sharon Williams's condition was worsening: "[She started] breathing real funny....Just like, well, she needed help. Like she was choking and gasping for air. And it was a real awful sound," she testified.

Tilton says he cannot discuss the negotiations or the final October 4 settlement, except to say that the legal matters have been resolved and that "Fairview has acknowledged its responsibility in this matter and is working to improve patient safety." (The estimated cost of Sharon's care comes to nearly \$100,000 a month.) But he is able to talk about the case itself. During the past year, the St. Paul attorney rounded up medical experts from around the nation to describe how the recovery-room nurses had neglected basic treatment protocols. He deposed dozens of witnesses--anyone who might have had the slightest information about what had happened. He went over Sharon Williams's available medical records. (Some, Tilton says, had been lost.)

Tilton says he was certain he'd eventually win a settlement for the Williams family, but when he was able to locate the mother who'd been in the recovery room, his confidence soared. "The room was getting smaller and smaller for them," the attorney asserts. "The hidden witness was just frosting on the cake."

Tilton says he learned of the witness's existence by chance, through the deposition of a recovery-room nurse. The lawyer immediately asked Fairview to release her identity and criticized the hospital for failing to disclose her presence earlier. Though Fairview officials argued that revealing the woman's identity infringed on the patient's right to confidentiality, Judge Allen Oleisky sided with Tilton.

Becky Moos, an attorney with Bassford, Lockhart, Truesdell & Briggs, P.A., who represented Fairview, denies that the hospital hid the witness, noting that she herself only learned of the woman's presence in the recovery room a few days before Tilton did. "No one had any reason to think this witness had any information that would be important to the case," says Moos. Besides, she adds, "We think she's mistaken."

While he'll never know whether the woman's testimony prompted Fairview to settle Sharon's case, James Williams now knows what happened to his wife. "We didn't find out what exactly happened until this witness became available," he says. "Yes, we finally know what happened and why, but it's not a result of [Fairview's] coming forward and telling the truth."

"I listened to this woman describe Sharon struggling to breathe," he continues, wiping tears from his eyes. "It was excruciating, because she was suffering. She suffered for a period of time. And they weren't there."

On this morning Sharon Williams seems relaxed but alert. It's still difficult, though, to tell exactly how much she hears and comprehends. Her caregivers say she is no longer in a "vegetative" state, but rather is "minimally conscious." Her nurse, one of seven James Williams has hired to provide 24-hour care, speaks softly to her as she fastens splints to her hands and checks the tube in her throat that helps warm her breath. "Turn toward my voice," she says, urging Sharon to move her head. The patient slowly turns her head in response.

"We're making a lot of progress," says James Williams. "She's more alert all the time." During one session, he recounts, Sharon was able to respond to 16 different commands--"turn your head," "move your fingers," "move your toes," etc. Her doctors and nurses are also trying to work on her ability to communicate, encouraging her to use one blink for yes, two for no.

Williams has been collecting treatment plans from specialists around the globe. He's exploring alternative therapies, such as acupuncture and massage. For now, he says, he's researching the possibilities as he builds Sharon's medical team; he won't rush to make any decisions about potential therapies, but he will start Sharon on an aggressive rehabilitation plan soon, to help strengthen her bones and muscles.

"It's a blessing from God that He would have people be interested in helping us," says Williams. As pleased as he is to have the courtroom struggle and his concern about paying for Sharon's care behind him, he is all too aware that the legal settlement marks the beginning of the journey, not the end. "I'm relieved that it's over, but it still leaves an empty feeling in my gut. It reconfirms that none of this should have happened," he laments, noting that Sharon's struggle has been draining for the couple's children, 21-year-old Tenisha, and Jahron, 14. "We are where we are. It's me and her and God. We're left to deal with this now, and money doesn't make up for it."

Williams maintains his hope, a hope he has clung to even when others have said Sharon will never fully regain consciousness. "We have a chance, and no one can take that away from us," he says. "Not only am I hopeful, but I expect her to come out of this. We have to believe that there is a reason why we're getting better. Nothing else makes sense to me. God begins where man ends."