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Hospital loses crucial X-ray after emergency room patient dies of heart failure

CHICAGO, IL – July 12, 2006 - A lawsuit was filed on Thursday, July 6, 2006 in the 19th Judicial Circuit of the Lake County, IL Law division in Waukegan against Condell Medical Center, of Libertyville, IL, in a case involving a woman who died of heart failure, leaving 2 children aged 9 and 14. The woman visited the emergency room and was given an X-ray and released. Two hours later when the woman returned, she had fluid in the sack around her heart. The hospital now claims that the X-ray taken before her death is missing.

The patient's family is suing the hospital for medical malpractice, spoliation of records and wrongful death claiming that the family's ability to successfully proceed with the lawsuit is substantially impaired because of the missing X-ray. Illinois has a law called the X-ray retention act that mandates hospitals retain all X-ray records for 5 years after the records are taken which can be found in the Illinois Consolidated Statutes 210 ILCS 90/1.

Steven M. Levin and Michael F. Bonamarte IV, from the law firm of Levin & Perconti are representing the family.

Katrina L. Thomas v. Condell Medical Center; 06L-496

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