

From the UMHS ObGyn Program in Sexual Rights and Reproductive Justice



University of Michigan
Health System

Editor:

Ed Goldman, J.D.
Department of ObGyn
egoldman@umich.edu

In This Edition:

Fieger wins \$144 million birth injury award
President Obama proposes increased
Title X funding

Have You Been Naughty or Nice?

Naughty? October 31, 2011, just in time for Halloween, attorney Geoffrey Fieger won a \$144 million verdict on behalf of a 15 year old with cerebral palsy and encephalopathy. Markell Van Slembrouck was born at Beaumont Hospital December 1, 1995 weighing 10 pounds 12 ounces. Labor took 2 hours. Plaintiff argued that delivery should have been by C-Section to avoid "massive injuries." Markell was born not breathing with a fractured clavicle and three brain hemorrhages.

Beaumont claims she had a rare genetic condition (PCH). Plaintiff had experts who disputed this claim saying that PCH is progressive and generally fatal in infancy. The medical records did not show progression and she is alive at age 15. In this case the defense relied on experts to talk about a rare genetic condition while Plaintiff talked about "common sense" which would have told Beaumont that this baby should be delivered by C-Section instead of using Pitocin, which causes the uterus to contract. "They drove this little baby through the birth canal, fracturing her clavicle." Of course we will never really know if a C-Section would have avoided this child's condition. Cases like this, with the understandable desire to avoid a malpractice claim, may be one reason why we have so many C-Sections in the US.

The verdict was \$738,000 for noneconomic damages since there is a cap on noneconomic damages in Michigan. The remainder was to cover lifelong care, medical expenses and lost earning capacity. Costs were based on a 77-year life expectancy. Beaumont said that they were going to appeal since they believe they "scientifically proved that the child's disabilities are related to a genetic condition."

Nice? President Obama's proposed 2012 budget includes increased funding for family planning and reproductive health programs. With funding remaining static for more than twenty years, this budget increase shows a marked commitment to improving women's health both in the U.S. and abroad. The budget proposal includes a \$327 million allocation to Title X, a \$10 million increase, and maintains the \$110 million that the Teen Pregnancy Prevention Program currently receives. It also proposes to allocate \$769.1 million to international reproductive health programs, an increase of \$129 million.

Title X Family Planning clinics ensure access to a broad range of family planning and essential preventative health services for millions of low-income and uninsured individuals. Through a network of community-based clinics, including community health centers, hospitals, state and local health departments, and university health centers, women are able to avoid nearly one million unintended pregnancies every year, and the government saves approximately \$3.74 for every dollar invested in family planning. Over the past 40 years, Title X-supported clinics have provided: contraceptive services; patient education and counseling; breast and pelvic examinations; breast and cervical cancer screening according to nationally recognized standards of care; sexually transmitted disease (STD) and HIV prevention education, counseling, testing and referral; and pregnancy diagnosis and counseling.

Most of the proposed international funding is for bilateral programs administered by the U.S. Agency for International Development (USAID), the U.N. Population Fund (UNFPA), and the Global Health and Child Survival (GHCS), which provide critical family planning assistance, reproductive and sexual health care, and improves the quality of some of the most disadvantaged populations in developing nations. According to Population Action International, polls consistently show that Americans overwhelmingly support international family planning programs as one of the most successful, diplomatic, and cost-effective U.S. foreign assistance programs.