

Young mother's death brings lawsuit

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The family of a Cranberry woman who died after surgery at UPMC Passavant Hospital following a miscarriage has filed a wrongful death suit against the doctor who performed the procedure, saying he improperly started the operation in his North Hills office and was unprepared for the emergency that resulted.

The suit also charges that the doctor, Gerald Applegate, has a history of hospital suspensions and malpractice lawsuits and was under suspension by Magee-Womens Hospital at the time of the operation.

In addition, it says Applegate lied about his previous lawsuits when he applied for staff privileges at Passavant, and that Passavant knew about Applegate's problems and allowed him to stay on the staff.

The suit was filed yesterday in Allegheny County Common Pleas Court by David K. Speicher, whose wife, Julie, died at Passavant on Feb. 27, 2000, after Applegate's second attempt to remove the fetus.

Also named as defendants are Passavant, Magee and UPMC Health System.

Applegate, a prominent abortion doctor with offices on Perry Highway in Wexford, could not be reached for comment. A UPMC spokesman said officials could not comment on pending litigation.

Julie Speicher, who had two children with David, was expecting their third in June 2000. But when she went to the doctor for her monthly checkup on Feb. 24, 2000, the fetus was dead. Applegate decided to perform the removal procedure, called an evacuation, in his office.

When complications arose and Speicher stopped breathing, Applegate called 911. Paramedics inserted a breathing tube and took her to Passavant.

On Feb. 25, Applegate tried to evacuate the fetus again. But Speicher's condition deteriorated and the next day she died. The Allegheny County coroner's office classified the death as "therapeutic misadventure." She was 32 and left behind her husband, their son, Adam, 6, and daughter, Alyssa, 4.

The suit says Applegate should have begun the operation in a hospital because he and his staff were unable to deal with an emergency in the office.

The doctor had no nurse anesthetist, did not monitor Speicher's vital signs, did no blood testing and, when Speicher stopped breathing, didn't know how to intubate her because he'd never done it, according to the suit.

The doctor also did not perform a procedure called osmotic dilation to soften the cervix, which the suit said is a mandatory precaution in second trimester evacuations.

Applegate, who still has staff privileges at Passavant and Magee, had been under a three-month suspension by Magee at the time of the procedure, according to the suit, because of failure to respond to pages to deliver babies.

He didn't tell Speicher about the suspension, however, and used a Magee consent form for the procedure. Because Magee operated the obstetrics unit at Passavant, according to the suit, Applegate's suspension at Magee meant he should have been prevented from using the Passavant facility.

According to the suit, he also used his own equipment at Passavant, a violation of hospital policy.

The suit alleges that Applegate lied on his original 1993 application for privileges at Passavant by claiming he had no lawsuits against him when he actually had five. He was kept on junior active status for three years instead of one because he had 43 violations for failure to complete hospital charts on time, the suit says.

In all, Applegate has had nine medical malpractice lawsuits brought against him in 10 years and has changed insurance carriers three times, according to the suit, but Passavant did not suspend him.