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Gov't Health Center Accused Of Biopsy Chemical Mix-Up

By **Darcy Reddan**

Law360, New York (October 30, 2017, 6:23 PM EDT) -- A patient at a government health center suffered third-degree burns after a physician used the wrong chemical during a biopsy-related procedure, a complaint filed Friday in New York federal court alleges.

Stephen Cohodes alleged that the mishap occurred at a New York City government-operated health facility, Callen-Lorde Community Health Center, during a procedure that he had undergone previously, though details about the exact nature of the procedure are redacted in the complaint. During the procedure, Dr. Meera Shah allegedly used trichloroacetic acid instead of acetic acid, or vinegar, resulting in third-degree burns and necrotic tissue.

Cohodes, who the complaint says had undergone the procedure five times, alleges that the staff should have recognized the severity of his reaction if they were as proficient in the procedure as they claimed. TCA is a chemical normally used to burn off genital warts, according to the complaint.

Cohodes brings the claims under the Federal Tort Claims Act for the tremendous pain he says he endured as well as a host of redacted claims. He is seeking an unspecified amount in damages.

In November 2016, Cohodes allegedly went to Callen-Lorde for an unspecified biopsy, which was performed by Shah with Dr. James Braun overseeing. According to the complaint, the procedure lasted 20 minutes instead of five, and it left Cohodes in extreme pain because the staff failed to notice that they were applying a much stronger chemical.

In addition to the claim that the staff should have noticed the mistake, Cohodes alleges that the staff was aware that they were using the wrong chemical. According to Cohodes, they improperly disposed of the chemical when they became aware, but did not notify him.

Cohodes says he called the health center the next day and was informed that he should return because the staff realized they had used TCA instead of vinegar.

Shah and Braun apologized following the checkup and offered to pay \$400 for Cohodes to see an outside specialist and pay for future medical costs and prescriptions, according to the complaint.

In addition to the apology, Cohodes alleges that the Associate Director of Medicine of Callen Lorde Community Health Center informed him that they changed several chemical bottling procedures after the incident.

Aside from the alleged agony endured by Cohodes during the initial visit, he says that the application of TCA cooked his tissue samples, resulting in further treatment.

Counsel for Cohodes declined to comment on Monday.

Representatives for Callen-Lorde could not be reached for comment Monday.

Cohodes is represented by Andrew I. Hamelsky of White and Williams LLP.

Counsel information for the federal court was not available at the time of publication.

The case is Cohodes v. United States Of America et al, case number 2:17-cv-08307, in the U.S. District Court for the Southern District of New York.

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