

Wrong Daughter Told She Lacks Melanoma Mutation, Then Gets It

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March 31, 2021

Parents who filed a multiparty claim after their daughters' genetic cancer test results were mistakenly mixed up will have their day in court, according to [a report](#) in the *Detroit Free Press*.

In 1999, Michael and Susan Lonsway brought their two young daughters — Delaney, 5, and, Cameryn, 3 — to what was then the University of Michigan Health System (now Michigan Medicine), in Ann Arbor, to be genetically tested for [melanoma](#), which ran in Michael's family.

The tests — sent to the Yale University School of Medicine for analysis — showed that Cameryn had inherited a family genetic mutation that put her at high risk for melanoma. Her sister, Delaney, it appeared, did not have that same genetic mutation.



As Cameryn grew up, the Lonsways took "stringent" steps to protect her from sun damage. In 2016, though, it was Delaney who developed skin cancer.

What went wrong?

Court papers indicate that Yale had mixed up [the genetic testing results](#). A routine audit in July 2014 identified the mistake, and the lab's scientific director promptly informed an official at the University of Michigan, asking that the Lonsways be notified immediately.

That notification never came.

In early 2016, Delaney, then in her early 20s, discovered two moles — one on her lower back, the other on her right thigh. In March, she reported her discoveries to her dermatologist, who didn't seem especially concerned. Like the patient herself, the dermatologist assumed that Delaney was not at high risk for melanoma, since the earlier screening had revealed that it was Cameryn who carried the family's genetic mutation. In May, the dermatologist removed Delaney's moles. The pathology report did not arrive until November. To everyone's surprise, it showed that the moles were, in fact, melanoma.

After her older daughter's diagnosis, Susan Lonsway called the University of Michigan Health System (hereafter referred to as U-M) and spoke to Jessica Everett, the certified genetics counselor who had been the first to learn of Yale's error 2 years before. Everett assured Lonsway that no mix-up had taken place on Michigan's part, and she encouraged her to have both daughters retested. Susan's follow-up phone call to Everett wasn't returned.

Subsequent blood tests performed at the University of Pittsburgh Medical Center revealed the mistake: It was Delaney who carried the genetic mutation, not Cameryn. The Lonsways had been protecting the wrong daughter.

In August 2018, the couple filed two lawsuits — one against defendants at both U-M and Yale, and another in a second venue against U-M defendants only. Both suits were later consolidated into a single case. (During litigation, Everett signed an admission of liability.)

In 2019, the circuit court tossed out each of the claims — the one against Yale because it fell outside of the 6-year limit on testing errors, and the one against U-M because it fell outside of the 6-month window for filing a malpractice action.

In reviewing the lower court's decision, however, the appeals court disagreed. For the purposes of the Lonsways' suit, the appeals court found, the clock started ticking on August 16, 2017, when, as the *Detroit Free Press* story puts it, "the family learned U-M knew about the test results reporting error but failed to inform them." Given this time frame, neither claim was subject to the state's usual statute of limitations. The Lonsways' case would resume.

At press time, no date had been set for that to happen.

Triple Amputee Blames Medical Center for His Injuries

A California man who ended up losing three of his limbs is suing the medical facility where he was treated, according to [a story](#) in *The Fresno Bee*.

On May 7 of last year, Keith Rickelman, an avid runner, bicyclist, and hiker, suffered a heart attack and was taken to Saint Agnes Medical Center, in Fresno, California. Doctors there determined that one of his heart valves needed to be replaced. As part of his treatment, he was administered [heparin](#) to prevent blood clots.

Rickelman's blood-platelet levels soon began dropping precipitously, a situation, his attorney says, that Saint Agnes doctors failed to monitor properly. Normally, a sharp drop in blood [platelets](#) would lead to bleeding. Instead, Rickelman's blood started to clot, apparently as a result of [heparin-induced thrombocytopenia](#), an allergic reaction in which the body's immune system causes changes in the blood that lead to clotting.

"His blood starts to clot, and he begins to experience tingling and a loss of sensation in his limbs," his attorney said. "He stayed on it [heparin] for a few days, and his extremities were deteriorating. His toes were turning black and blue."

Rickelman's doctors eventually noticed the problem. They did their best to reverse the patient's allergic reaction to his medication, but their intervention was too late. They were forced to amputate Rickelman's legs just above the knee and his right hand just below the elbow.

"I sometimes catch a glimpse of myself in a mirror or I see a picture of me and I wonder, 'What happened?' " Rickelman says. "It has been earth-shattering."

His suit against the hospital was filed in Fresno County Superior Court on February 1. A spokesperson for Saint Agnes declined to comment for the newspaper's story, citing pending legislation.

Are Healthcare Workers Being Too Protected From COVID-Related Lawsuits?

Missouri is among the latest states to address the issue of COVID-19-related lawsuits, but that move is meeting resistance by consumer advocates and other advocates, who think the proposal goes too far, says [a story](#) in *McKnight's Long-term Care News*.

Late last month, Show-Me State senators passed [Senate Bill \(SB\) 51](#), which extends liability protection to a wide swath of providers, businesses, and nursing homes, unless, that is, "the individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19" and that "exposure...caused the personal injury of the plaintiff."

Proponents have said that the measure is needed in order to shield already strapped healthcare providers and businesses from frivolous lawsuits.

But opponents say the proposal grants a free pass to those who have acted negligently. "[The legislation] is written so broadly that it, in effect, does away with medical malpractice and nursing home claims for the next 4 years," says attorney [Rachel Stahle](#), who represents plaintiffs charging nursing homes with neglect.

SB 51 now goes to the state House of Representatives [for consideration](#).

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Cite this: Wrong Daughter Told She Lacks Melanoma Mutation, Then Gets It - *Medscape* - Mar 31, 2021.