

## UCI liver program claims settled

Dozens died awaiting transplants at the hospital, which turned down donated organs.

The University of California has agreed to pay \$7.5 million to settle 35 claims filed on behalf of patients who waited in vain for liver transplants at UCI Medical Center and who were unaware that the school's program lacked the staffing to perform the life-saving operations.

The university closed the program in November 2005 after The Times reported that 32 patients died awaiting operations, even as the hospital in Orange turned down scores of organs proffered on their behalf.

A subsequent investigation resulted in a rapid-fire series of resignations, reorganizations and vows to restore the credibility and oversight of the Irvine school's medical programs.

The agreement by the UC Board of Regents to settle the cases largely closes the book on another embarrassing chapter in the history of UCI's medical programs, which have been plagued by various lapses over the years: the theft of eggs and embryos from patients in a fertility clinic, the failure to properly keep track of bodies in its medical cadaver program and failings in other transplant programs such as kidney and bone marrow.

The fertility cases were settled for \$20 million.

The settlements, filed in

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## UC to pay \$7.5 million over UCI Medical Center's liver program

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court Wednesday, represent the lion's share of the cases that resulted from the failure of the liver transplant center. There are still about a dozen liver transplant cases outstanding.

Only about 10 of the patients whose cases were settled Wednesday are still alive, said Larry Eisenberg, the lawyer who represented them.

In the rest of the cases, the patients' families were the plaintiffs. Most patients died before the program closed; two died after the problems came to light.

In two of the cases settled Wednesday, allegations of fraud and misrepresentation by UCI led to settlements of \$1 million, including one case in which a 65-year-old man died even though an organ had been donated specifically for him and he was in the hospital available for surgery.

UCI had listed him as being too ill to undergo the operation, but in reality there was no surgeon available to perform it, Eisenberg said.

In many of the other cases,

the damages were capped at the \$250,000 limit set by state law for medical malpractice. Others settled for as little as \$50,000.

"The UCI liver transplant program was fraught with internal problems," Eisenberg said at a news conference. "The conduct was extremely egregious, and the university acknowledged that."

Eisenberg did not make clients available for interviews and declined to discuss specifics about settlements. "For the most part, they acknowledged they wanted to move on," he said.

Cathy Lawhon, a spokeswoman for UCI, said in a prepared statement: "The university made a commitment to resolve claims in the liver transplant litigation in a reasonable and responsible manner."

The school declined further comment, citing negotiations in other pending cases.

The federal government stripped UCI of its liver transplant funding the day The Times story appeared in November 2005, and the school closed the

program that same day.

At the time, it had not had a full-time liver surgeon on site for more than a year.

In the three years preceding the closure, UCI failed to maintain a post-operation survival rate or perform enough operations to meet federal standards.

At one point, when regulators were threatening to close the program, UCI officials falsely told federal health officials that it had recruited a full-time surgeon to revive the program.

In fact, the school was relying on part-time coverage from surgeons based at UC San Diego — 90 miles away. There were more than 100 patients on UCI's liver transplant waiting list when the program was closed.

Of those, Eisenberg said, about 30 have died; the rest have been transferred to other programs, though some had to wait a year or longer for that to happen.

In the wake of the failure, UCI hospital's chief executive, Ralph Cygan, was removed and later

quit, and the dean of the medical school, Thomas Cesario, took early retirement. The FBI has launched an investigation to determine whether the hospital fraudulently billed Medicare. That probe is continuing.