

On September 8, 1989, Judy K. Dresher ("Dresher") and her husband, Larry E. Dresher, appellees, filed a complaint in the Court of Common Pleas of Montgomery County against Dr. Burt and appellant, SEMC. Dresher alleged that on or about December 17, 1970, following the delivery of her child at SEMC, Dr. Burt negligently, willfully, wantonly and fraudulently performed unnecessary and experimental vaginal reconstruction surgery upon her without her consent, restructuring her genital organs into an abnormal, non-functional configuration. Dresher claimed that SEMC knew or should have known that Dr. Burt was performing experimental surgery on female patients at the hospital, and that SEMC "negligently and fraudulently concealed the * * * facts known to them, from the plaintiff, which if revealed to plaintiff would have prevented such surgery and the resulting injuries." She also claimed, among other things, that SEMC negligently permitted Dr. Burt to perform the unnecessary and experimental surgery at SEMC by failing to provide adequate peer review of Dr. Burt, by failing to investigate Burt's qualifications and practices, and by failing to protect Dresher from a known incompetent physician

Quoted Excerpt from

Dresher v. Burt, 75 Ohio St. 3d 280

(Trial court granted Summary Judgment for hospital, Court of Appeals Reversed, Supreme Court Affirmed Court of Appeals).

In case No. 91-2079, Browning informed Dr. Blue at the latest in August 1987 that he had committed malpractice on her. By that time, Browning had undergone approximately sixteen surgeries and her physical and emotional health was continuing to decline. The trial court, therefore, correctly found that August 1987, at the very latest, was the time when Browning was put on notice by a "cognizable event" to pursue her medical malpractice [***42] claim and the one-year statute of limitations of R.C. 2305.11 began to run. To hold otherwise is to cast aside the "cognizable event" test this court announced just four years ago in an effort to give trial courts some useful standard in medical malpractice cases. Because Browning should also have been aware of SEMC's negligence in permitting her doctor's experimental surgery, her cause of action against the hospital for negligent credentialing and retention also accrued on this date. Both causes of action were barred because Browning filed her complaint on April 17, 1989, outside the one-year period of limitations.

In case No. 91-2121, Mitchell underwent Dr. Burt's reconstruction surgery in January 1985. The medical problems to be alleviated by this surgery (which included urinary incontinence, bladder and vaginal infections and painful sexual intercourse) actually worsened within a few months after the January 1985 surgical procedure. The record indicates that by mid-1985, intense pain and massive vaginal bleeding made it impossible for Mitchell to engage in sexual intercourse with her husband. Mitchell was also aware of the unusual appearance of her vagina at this time. She [***43] discovered that her vagina "was covered over" and "sewn up." Certainly, these occurrences gave rise to a "cognizable event" for purposes of Mitchell's discovery of her medical malpractice claim. Like Browning, the SEMC form letter could reasonably be expected to place Mitchell on notice of the need to pursue her "possible remedy" against the hospital. Since Mitchell's complaint against the hospital was filed more than three years after she was placed on notice, the trial court correctly found it was time-barred.

Quoted Excerpt from: **Browning v. Burt, 66 Ohio St. 3d 544 , 571**