BLIND

FROM PAGE A1

One lawyer wanted $50,000 just to start work.

Facing a bleak future, Martha's husband Walter is beside himself with worry. He's 72, and his hands are scarred and stained from years working with asphalt and concrete.

If he could go back to work, he would. But he has trouble getting around, and his wife needs a lot of help. So instead he's left to add up the numbers and wonder and worry. He hates the idea of selling their old, familiar house and moving to a new place, because Martha would have such a hard time learning new surroundings.

They've even been turned down for Supplemental Social Security, offered to people with disabilities, because their income is too high. The Vetowichs receive standard Social Security benefits of $1,200 monthly.

As medical costs mount, their options are dwindling.

"Where does that leave me and my wife?" Walter asks of their untenable situation. "I'm ready to lose my home. I could lose everything I got."

DECISION TO SUE

The irony for daughter Karen Kramb of Highland is that it took her mother seven months after blindness struck to accept the idea of filing a malpractice lawsuit.

"I thought about it right away," Kramb said. "She said no. She truly believed from the bottom of her heart she would see again. And I wanted to believe that with her."

As time passed, Martha struggled to cope with the grief and frustration at being suddenly blind. A long-time seamstress, she stitched clothing for her five children from the time they were small and even made a good income with her handiwork.

She had little help adjusting to her new condition, while medications ran upward of $100 per prescription.

"My mom's not into lawsuits. You accept what's happened in your life. But after seven months, it was starting to take a toll," Kramb said. "I said 'Mom, we're going to an attorney.' And she said yes."

Kramb realized something was wrong when she got the call that her mother was in the emergency room and couldn't see. Martha had been treated for what she thought was a sinus infection, but Kramb said the symptoms — an aching jaw and pain in the top of the head — weren't typical of that.

Medicare referred the Vetowichs to the Farmington Hills physician in November 2000. Medical records show Martha was treated several times before she was hospitalized on Dec. 28 of that year.

"I remember one day picking her up and she said the top of her head and jaw really hurt," Kramb recalled. "I know her pain tolerance is high, but I didn't think anything of it."

Martha had called her physician for pain relief not long before she lost her eyesight. It was literally an overnight experience.

"Maybe a month goes by and she just woke up blind," Kramb said.

A SIMPLE BLOOD TEST

The family later learned one medical test would likely have caught Martha's medical condition — giant cell arteritis — before it robbed her of her sight.

According to Healthlink, information provided by the Medical College of Wisconsin, giant cell or temporal arteritis is an inflammation of the temporal artery, which runs over the temple beside the eye. The accumulation of large cells and granular material in the lining of the arteries to the head results in their swelling, which causes the arteries to narrow and reduces blood flow.

The underlying cause is believed to be an autoimmune disease.

White women over 50 are at greatest risk; women are twice as likely as men to develop the condition, which almost exclusively affects people over 50.

Early symptoms may mimic the flu. As the condition progresses, they can include headaches, pain in the temples and blurred or double vision, as well as pain in the jaw or tongue.

According to Healthquest information, once blindness occurs, it is permanent; to prevent that from happening requires treatment with high doses of prednisone.

A physician contacted by the Vetowichs' first attorney, Bruce Jerris of Southfield, was prepared to testify to a disheartening revelation: A blood test that measures the sedimentation rate of red blood cells could have caught the illness in time to save Martha's sight.

But having that testimony wasn't enough. Every attorney contacted by the family eventually turned them down.

Why?

In June of this year, Shalina Kumar of Sommers, Schwartz, Silver & Schwartz in Southfield sent a letter typical of others the family received:

"While I would have been glad to have accepted your case, the facts and circumstances surrounding it make it impossible for our firm to handle. As you were informed by your previous attorneys, the defendant doctor has filed bankruptcy and he has no medical malpractice insurance to cover your mother's claim."

In a letter to Jerris, the doctor's former malpractice insurer indicated because he was no longer covered, the company was not liable for any claims. Additionally, the doctor's attorney informed Jerris that the doctor had filed bankruptcy in January 2001, only weeks after Martha went blind.

Attorney Kevin Calhoun told Jerris any debt resulting in a malpractice claim would have been discharged. He cited a 1998 circuit court ruling, which provides that any claim against the debtor in a bankruptcy case that could have been discharged will still be discharged, whether or not the creditor received notice of the proceeding.

In other words, the Vetowich family lost their ability to sue the doctor and/or his malpractice carrier as soon as he left private practice and filed bankruptcy — and everything he did was perfectly legal.

That's the most frustrating part for the family. Kramb has gone so far as to consider contacting someone like Erin Brokovich, whose persistence blew the lid off a class-action lawsuit against a company accused of poisoning the groundwater and causing cancer and other illnesses in residents living near one of its plants.

She doesn't understand why the state allows doctors to carry a type of insurance that won't cover them for incidents that occurred while they were insured.

"This isn't just the doctor," Kramb said, frustration evident in her voice. "This is the insurance. I can't buy car insurance this way."

CONSUMER AWARENESS

She'd like to see every physician post a notice in his or her office, declaring the type of insurance the practice carries. Doctors who practice without coverage are required by law to post that notice; practically speaking, the Vetowichs have discovered there's little difference with limited liability medical insurance.

"The consumer is not even aware this could happen," Kramb said.

She'd also like to see the two-year statute of limitations extended for medical malpractice lawsuits, because it can take time to first accept the idea and then undertake the search for an attorney.

Over the past almost two years, Martha has adjusted somewhat to the reality of being blind. She can do laundry, but little else around the house. Over time, she has regained her ability to crochet, creating tight, even stitches completely from memory.

"Thank God I remember," Martha said. "I'd go nuts if I had nothing to do. I hold onto what I can remember."

In the midst of her conversation, a soft scratching noise interrupted from across the room. "That's my dogs. I miss bathing them."

Once in a while, Kramb takes her mother to the casino, where she puts money in a machine and Martha simply presses a button or pulls a handle.

One of her worst moments in all this happened at the casino they visit regularly. Kramb spotted Martha's old doctor in the crowd. He didn't recognize her, but she'll never forget him.

Still, she believes a greater force has been at work, thwarting her family's efforts to seek help for their mother.

"The state made the law without thinking of the consumer," Kramb said. "These are the people in my heart I hold responsible."

Life's little ironies still make Martha smile. Once employed by the Sisters of Mercy in Farmington Hills, she used to sew clothing for the nuns and take care of those who had gone blind and were at the end of their lives.

"Sister called me up and said, 'Did you get your eyesight back? I need some outfits,'" Martha said. "I said, 'No, sister. You have to pray harder.'"

That's what the family's counting on right now, Kramb said — new medical technology and prayer. Martha's kind of getting used to her condition, but Walter still has trouble accepting the hand they've been dealt. He's been frustrated by the lack of interest in taking their story to a larger audience, to get help and to make sure someone does something to keep this from happening again.

"I only hope something comes out of this that nobody else has to go through this," he said. "Why should a doctor walk away and my wife and I have to go through this?"

jhubred@oe.homecomm.net | (248) 477-5450