



Claim against doctors settled

Solomon, colleague to pay \$1.9 million

By FERN SHEN
SUN STAFF

Lawyers for Dr. Neil Solomon have agreed to a \$1.9 million out-of-court settlement of a former Baltimore teacher's claim that treatment he received from Solomon and another doctor left him physically disabled and permanently brain damaged.

Solomon, a nationally syndicated medical writer whose column appears three times a week in *The Evening Sun*, said only about the settlement with Eugene J. Mackler that Mackler "was not my patient." He then referred reporters to an unlikely spokeswoman: the disabled man's ex-wife.

"It was not the doctor's fault; Dr. Solomon did not do anything wrong," said Andrea Mackler, who said she was married to Mackler in 1980, when he fell ill, and divorced him afterward.

"It was a catastrophic illness no one could have anticipated," said Andrea Mackler, who described Solomon as "a close family friend."

Her husband's claim, filed in 1985 with the Health Claims Arbitration

Office, was settled Monday, on the eve of an arbitration hearing. The complaint alleged that Solomon, a former Maryland health secretary, and Dr. Wellington Tichenor mistook acute bacterial endocarditis, a heart infection, for the flu.

Eugene Mackler's lawyers alleged that the doctors' delayed diagnosis and their failure to admit the patient promptly to a hospital for antibiotic treatment, led to complications that required brain surgery, heart surgery and a tracheotomy and left him permanently brain damaged, with weakness in his arms and legs.

Eugene Mackler, who taught in Baltimore elementary schools, was completely disabled and now lives with his parents, according to Stephen L. Snyder, his attorney.

Had Mackler been hospitalized earlier, Snyder said yesterday, he would not have been disabled.

According to Snyder, Eugene Mackler was first treated by Tichenor, a doctor in Solomon's office who handled patients with acute problems. But Solomon also examined Mackler on several occasions, Snyder said.

Snyder said Mackler first went to Solomon's Pikesville office Nov. 3, 1980, complaining of a slight cough, chest pain, nausea, vomiting, headache and a temperature of

101. He told Tichenor he had had a flu shot recently and a history of heart trouble, Snyder said.

Tichenor, diagnosing influenza, took blood samples, treated Mackler with flu shots and sent him home, Snyder said. Solomon, as well as Tichenor, examined Mackler that day, Snyder said.

Two days later, Mackler returned to Solomon's office complaining of worsened symptoms: a temperature of 103.4, chest pain, weakness and stiffness, Snyder said. Tichenor again treated him for the flu, the lawyer said.

Solomon, who again examined Mackler after Tichenor did, wanted the patient admitted to the hospital, but Tichenor convinced him that it was not necessary, Snyder said.

On Nov. 8, Mackler returned to Solomon's office with vascular legions, an indication that blood clots were causing strokes, Snyder said.

Mackler was admitted to Johns Hopkins Hospital where his heart muscles ruptured and the mitral valve of his heart had to be replaced, Snyder said. Over the next few weeks, Snyder said, the infection spread to his brain, causing an abscess and blood clots in the frontal lobe that required surgery.

He was transferred to Good Samaritan Hospital for rehabilitation and when he was discharged May 1. According to Snyder, doctors said he was left with an aneurysm, weakness in his extremities, and brain damage.

Tichenor, who no longer works with Solomon, could not be reached for comment. Solomon's lawyers, Donald L. DeVries and Timothy L. Mullin, did not return a reporter's phone calls.