

Recall Anxiety

OPINION: Slick campaigns to keep patient advocates out of the process raise questions about what the manufacturer of an artificial hip maybe hiding.

BY JILL McDONELL

Underestimating the intelligence of the American people may be profitable, but it causes pain. And fear. Thousands of people who received the Sulzer Co.'s faulty artificial hip, later recalled by its manufacturer, prove the point.

This type of recall should have been conducted with integrity. Yet this one was not.

The manufacturer has added insult to injury. In a widespread ad campaign, Sulzer blames the media, consumer attorneys and the 17,500 recipients of the hip device for recall-related anxiety.

In the middle of the recall process, Sulzer ran newspaper advertisements attacking the press for creating a "media frenzy" that frightened hip patients.

In reality, retrieving Sulzer's defective product is intrusive, painful and risky. It requires extensive surgery, more complex and with a longer recovery period than the initial hip replacement. It's not like shipping back a faulty television.

Manufacturing a product used in the human body requires the highest safety standards. But Sulzer's lapse in quality control permitted machine lubricants to remain on the product.

Because of this residual oil, patients' new and existing joints failed to grow together. The failure creates excruciating groin and thigh pain. Patients experience difficulty in standing, and some must rely on crutches. Some are com-

Jill McDonell, an associate with Century City's Lebovits & David, specializes in catastrophic injury, employment, insurance bad faith and toxic tort matters.

Retrieving Sulzer's defective product is intrusive, painful and risky. It requires extensive surgery, more complex and with a longer recovery period than the initial hip replacement. It's not like shipping back a faulty television.

pletely immobile.

Sulzer could have prevented all this with stricter quality controls and a quicker response to reports of problems. Accusing the press of fear-mongering is off the mark.

Sulzer is treating patients with contempt instead of sympathy. In a published act of contrition to medical professionals, Sulzer apologized to doctors for the burden of having to answer patients' questions about the recall.

Worse, Sulzer seeks control of patients' access to information. The manufacturer's ads and letters urge victims to avoid consulting an attorney about their legal rights.

Slick campaigns aimed at keeping patient advocates out of the process make reasonable minds question what Sulzer is concealing.

These disingenuous tactics are even more disturbing because so many hip-replacement patients are elderly and frail. Scams and deceptive schemes targeting elders are all too commonplace.

LOS ANGELES

**Journal
Daily**