

Bankruptcy devalues judgment

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NEW BRITAIN — In 1985, Linda Solsbury was a busy 36-year-old pediatric nurse who loved to dance. One day in October, she went to her chiropractor for another in a series of treatments for neck and shoulder pain.

Hours later, Solsbury suffered a paralyzing stroke that left her mute and unable to chew, swallow or move more than her head and right hand. She contends the stroke was caused by Thomas Goulding's chiropractic adjustment, which had opened a small tear in a blood vessel in her neck.

In 1991, a New London Superior Court jury agreed with her, and awarded \$10 million in compensation. But \$10 million doesn't mean much if the defendant can't pay. Goulding had no malpractice insurance when he treated Linda Solsbury.

Since the trial, Goulding has declared bankruptcy, got the verdict dismissed and continues to practice in Waterford.

Solsbury lives at New Britain Memorial Hospital. The state pays for her care.

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\$10 million judgment worthless

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When Solsbury's story is told as part of a segment on CBS' "Eye to Eye With Connie Chung" scheduled for Sept. 23, she hopes people will learn what she found out too late: Medical professionals aren't required to carry malpractice insurance.

"I don't dwell on bitterness," Solsbury said Monday, typing with her right hand, slowly, a letter at a time, on the laptop computer that is her voice. "I know I have this life for a reason and will live it as productively as I can. But it's very hard not to rehash these things and call some fouls."

Malpractice insurance may not be mandatory, but in practice nearly all physicians are covered, said Mark Garofalo of the Connecticut State Medical Society. Most health maintenance organizations and hospitals require it.

"There may be some fringe people who don't have malpractice insurance who are practicing," Garofalo said, "but it's kind of unheard of."

"I have malpractice because I have a wife and a family and I feel it's easier," said Rich Coopersmith of Newtown, president of the state chiropractic association.

* The organization does not require members to carry insurance, but the vast majority do, he said.

"I think it shows a sense of responsibility to my patients that in the event an accident did happen, that their ability to be taken care of would increase."

Goulding did not return phone calls Monday. But his wife, Beth Goulding, also a chiropractor, said the insurance lapse was an oversight, the consequence of mail that was never received.

"We never realized we weren't covered," she said. "As soon as we found out we didn't have it, we were in shock."

Thomas Goulding claimed during the trial that he didn't adjust Solsbury's neck during her Oct. 25 visit, a synopsis of the case written by Solsbury's attorney, Eugene Swain, says. Goulding also cited six other medical conditions that could have caused the stroke.

"It really was a miscarriage of justice on both sides," said Beth Goulding, who said she and her husband could not afford to appeal the decision. "It's a tragic situation."

Solsbury has since filed another claim, alleging that Goulding transferred assets to his wife before seeking bankruptcy protection, Swain said.

But since no one has filed a complaint with the state Department of Public Health and Addiction Services, Goulding's license to practice is not in jeopardy.

"We've had no complaints," said Donna Brewer, chief of the state hearing office that handles such complaints.

If a malpractice insurance carrier pays a settlement or judgment for an insured physician, the insurer is required to notify the state. But there's no such requirement for uninsured physicians, or for chiropractors, Brewer said.

"There's no mechanism that requires the court to report to us," she said, even though a state statute requires the office to review malpractice awards.

Solsbury, who takes all her nourishment through a tube, remains outraged at the loopholes in the system.

"Life throws all kinds our way," she said. "But the state has a responsibility to its citizens. They permitted him to practice uninsured. They permitted him to practice without informed consent."