

Doctor and nurses arrested in Katrina-related deaths

By Kate Randall
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On orders from Louisiana Attorney General Charles C. Foti Jr., police arrested a doctor and two nurses Tuesday in connection with the deaths of patients at a New Orleans hospital in the days following Hurricane Katrina.

Dr. Anna Pou, 50, a head and neck surgeon, and nurses Cheri Landry, 49, and Lori Budo, 43, each face four second-degree murder charges. Based on an affidavit filed by an investigator with the attorney general, it is alleged they injected at least four patients with lethal doses of morphine and the sedative Versed at Lakeside, an acute-care facility inside Memorial Medical Center.

The three have yet to be formally charged or indicted. In Louisiana, the attorney general has to file the formal charges, which then must go before a grand jury to determine whether they warrant a trial. This technicality, however, did not stop Attorney General Foti from characterizing Dr. Pou, Landry and Budo in the most prejudicial terms at a news conference on Tuesday:

“This is not euthanasia,” Foti declared, “this is plain and simple homicide.” He said the medical providers “took the law in their own hands,” adding, “We’re talking about people that pretended that maybe they were God.”

The attorney general’s remarks have angered colleagues of the accused medical professionals. Dr. Daniel Nuss, Anna Pou’s supervisor at the Louisiana State University Health Sciences Center, told the *Los Angeles Times*, “This is vilifying the heroes. I think it’s presumptuous for the attorney general or anyone else to try to assign blame for what happened under such desperate circumstances.”

Dr. Pou’s attorney, Rick Simmons, told the media that the allegations were false. “There is no motivation, and there is no homicide,” Simmons said at a news conference. “It’s a year later, and the blame game has shifted to this doctor and two nurses and maybe to others.” Of the patients, the attorney declared, “They’re victims of the storm. They’re not victims of homicide.”

He condemned Foti’s “strong-arming” of the arrested women. The attorney general had Pou arrested at her home, while still wearing her medical scrubs, despite the fact that she had agreed to turn herself in if an arrest warrant were issued. “It’s an outrage the way they’ve done this,” said Simmons.

“They wanted arrest warrants so they could get mug shots for the media event they had.”

Cheri Landry’s attorney, John Di Giulio, said his client plans to enter a not guilty plea and will contest the charges. Edward J. Castaing Jr., Lori Budo’s attorney, commented that “no formal charges have been brought against her and she is entitled to the presumption of innocence.”

It is impossible to say whether the charges against Dr. Pou and the others are true. One thing is clear, however—that the arrests are a rather crude, political effort to single out individuals who were themselves victims of colossal official neglect and indifference. Whatever the truth of the allegations, this appears to be a shabby effort to scapegoat Dr. Pou and the others.

It is worth recalling, 11 months after the fact, the conditions under which the doctor and the two nurses were working at Memorial Medical Center. There was no electricity, running water or phone service at the 317-bed hospital, and the temperature soared to over 100 degrees Fahrenheit. The facility was flooded with 10 feet of water, and there were only a few rescue boats available for evacuations.

Despite pleas from her family, Dr. Pou remained at Memorial treating patients. Her sister Peggy Perino recalled a cell phone call she received from her in which she said, “There’s just bedlam around here. I can’t leave.”

In a prepared statement, Dr. Nuss defended Dr. Pou and other hospital staff. “By personal accounts from nurses, doctors, administrators, and support personnel who knew Dr. Pou and had worked with her closely in the months before Katrina, her work during the crisis was ‘heroic,’ ‘selfless’ and ‘distinguished.’ With other dedicated doctors and nurses, she worked without sleep and without nourishment.... At great self-sacrifice, she prevented further loss of life and has been credited with saving multiple people from dying.”

In a letter to the editor of the *Bayou Buzz*, Dr. Lorrie Metzler, the Senior Medical Consultant for the University of New Orleans Center for Society, Law and Justice, commented, “I strongly suggest to the community to make no rash judgments in this matter. All the facts and the chronology of the events must be revealed....

“These medical professionals were performing in a perceived

atmosphere of a 'Doomsday Crisis,' with frequent medical reports of local and federal governments allowing citizens to die on the streets without food and water and reports of sister hospitals receiving sniper gun fire with attempts to deliver medical equipment. Medical operations were further complicated with extremes of temperature, excessive sleep deprivation and other stress related sequelae.

"Furthermore, the manual operation of much of this technical medical equipment, without electrical power, is nearly physically impossible."

Dr. Steven Miles, a professor of medicine at the University of Minnesota's bioethics center, told the *Associated Press* that rather than trying to kill, it is more likely that the three women were trying to relieve patients' pain "in a resource-poor environment and were doing the best they could."

Miles told the AP that there are cases on record where patients have required apparently fatal morphine doses to relieve extreme pain; he doubts the charges will be proven. "I'm inclined to believe this was palliative sedation that's been misread," he said. Mercy killings would be "not only highly frowned upon, but also rare. It's highly unlikely that's what happened here."

If the cases against Dr. Pou and the two nurses do go to trial, prosecutors will have to prove that the four patients—whose ages have been reported as 61, 66, 89 and 90—were indeed injected with a "lethal cocktail" of drugs. This could be difficult to prove, as the amount of drugs needed to treat pain and anxiety varies significantly from patient to patient.

As Dr. Ben deBoisblanc, a Louisiana State University medical professor, pointed out to the *Los Angeles Times*, "The attorney general can't tell from a [corpse's] drug level what's an appropriate dose."

As critical, however, as such information might be to both the doctor's and nurses' defense—and the peace of mind of the loved ones of the patients who died—another key question is raised. Why were the patients, and their staff, left to languish in the hospital for days without assistance, with no viable plan for evacuation?

When the waters receded and rescuers were able to enter Memorial Medical Center, 45 patients were found dead. At a nursing home near New Orleans, 34 patients died in the wake of the flooding brought on by the storm's surge. These and other patients statewide died because they were not evacuated for several days, due to the fault of either private owners or state authorities. These patients died along with hundreds who were washed away from roadways, were drowned in their homes, or were not rescued from rooftops.

Although bodies still continue to be found to this day—and there will never be an entirely accurate count—Hurricane Katrina claimed somewhere in the area of 1,850 lives. This is perhaps a misleading estimate if one takes into account the deaths caused by the uprooting of lives, particularly of the elderly, the extremely poor and the disabled. As of December

2005, of the more than 1 million people who had been displaced by the hurricane, about 500,000 had still not returned.

To date, however, not one government official has been held criminally liable for any aspect of the catastrophe. On February 23 in Washington, DC, the Bush White House released a study entitled "The Federal Response to Hurricane Katrina: Lessons Learned." The purpose of this 228-page report was to whitewash the botched response to Hurricane Katrina at the federal, state and local levels and make it clear that no government officials would be held responsible.

Tuesday's arrests in New Orleans of Dr. Pou, Landry and Budo come in the midst of a broad Louisiana inquiry into more than 200 deaths at hospitals and nursing homes in the state. Such prosecutions are apparently intended to pass for "accountability" in the Katrina catastrophe. But when set against the massive scale of the government's crimes, and taking into account that had proper evacuation plans been in place hospital staff would not have been administering morphine and Versed in the first place—to alleviate anxiety or for any other reason—their alleged actions pale in comparison.

While no Bush administration official has faced criminal prosecution in connection with thousands who have lost family members as a result of the Katrina disaster—or whose lives have been forever changed—Dr. Pou, Landry, and Budo face mandatory life imprisonment if convicted of second-degree murder in the Memorial Medical Center patient deaths.

Many doctors in New Orleans believe that the three are being victimized for conditions in the wake of Katrina that were out of their control. Some have also criticized Attorney General Foti for coming forward now with the arrests in the case, as he prepares his bid for reelection in 2008.

Juzar Ali, a pulmonary-critical care doctor who worked through days after the hurricane at Lindy Boggs Medical Center, across town, said he was "disturbed" by Foti's allegations "because we don't really know the actual circumstances in which clinical decisions were made.... So as a peer it makes you feel for the physicians and the healthcare workers as to whether it's fair to project them as murderers."

Dr. L. Lee Hamm helped care for stranded patients at Tulane University School of Medicine after Katrina. He commented to the *Los Angeles Times*, "Where the hell was [Foti]? Where the hell was the law enforcement? Where the hell was anybody until Friday?" [September 2, when large-scale evacuations began in many areas].

"If you want to prosecute, if you want to know who is responsible for people dying, it's the people who were not here," Hamm said. "It's not the people who were here."

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