

Woman wins \$2M in docs' cancer botch

EXCLUSIVE

By SUSAN EDELMAN

A Supreme Court jury has awarded \$2.3 million to a Queens woman whose breast cancer worsened after doctors at Elmhurst Hospital failed to diagnose a large mass.

The jury found two hospital doctors, radiologist Jakov Ovrutsky and family practitioner Frank Estrada were negligent in treating patient Luz Opazo, 49, of Elmhurst.

"It's a factory," Opazo's lawyer, Michael Gunzburg, said of the public hospital run by the city's Health and Hospitals Corp.

"In this day and age, it's shocking to find a hospital and its doctors unable to diagnose such an obvious and glaring condition."

Gunzburg said jurors told him after the Long Island City trial that they felt the hospital was to blame, because several doctors who examined Opazo did not communicate their findings to each other.

Estrada felt a large, hard mass nearly 4 inches in diameter in Opazo's left breast — but never told two radiologists who read her mammograms, according to testimony.

Those films showed signs of cancer, experts testified, but radiologist Ovrutsky sent Opazo home with a note saying her condition was "probably benign," instructing her to return in six months for a follow-up.

Ovrutsky's own health was an issue at trial. The 80-year-old cancer survivor, who works at Elmhurst three days a week, was excused from testifying when his doctor and son-in-law, Kirill Rihker, claimed he might suffer a "panic attack."

Opazo, whose chances of survival were reduced when the cancer spread, was overwhelmed by the verdict.

"I'm grateful to be alive," she said.

The city Comptroller's Office had tried to settle the case before trial for \$100,000, Gunzburg said. He rejected the offer.

The HHC said it plans to appeal and declined further comment.