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Dracut man sues Mass General over treatment of handicapped

Author: Lisa Redmond, lredmond@lowellsun.com

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DRACUT -- "Humiliating."

That's how Dracut resident Dino Theodore, who is physically handicapped, described his experience last April at Massachusetts General Hospital after he says he was trapped in his hospital bed for days because the room was too small for his wheelchair.

"This is one of the best hospitals in the state," Theodore said during an interview in his lawyer's North Andover office. "It surprised me the way they responded to someone who is handicapped. It was shocking."

The experience drove Theodore, an attorney for the state Department of Industrial Accidents and an advocate for the handicapped, to file a federal lawsuit in U.S. District Court through his lawyer, Nicholas Guerrero, to force MGH and Partners HealthCare System to make their Boston hospital comply with the federal Americans with Disabilities Act. They have a similar complaint filed with the Massachusetts Commission Against Discrimination.

Theodore and Guerrero have a wish list of improvements they'd like to see MGH address to make the hospital more handicapped friendly, including noting a patient's handicap on admission forms, appointing an ADA equipment expert and creating an ADA advisory group.

MGH has until Friday to answer the lawsuit.

"Prior to being served with this lawsuit in August, the MGH was already in the process of reviewing its level of ADA compliance," Jeff Davis, MGH's senior vice president for human resources, wrote in a prepared statement.

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The hospital remains committed to continuing this process and ensuring that it is not only in compliance with the ADA and equivalent state requirements, but also continues to provide a world-class patient care to all of its patients, Davis wrote.

Theodore was admitted to the hospital on April 8, having arrived in the emergency room after experiencing rapid weight loss, fatigue and exhaustion. Doctors thought it was cancer.

Among the tests he endured was a colonoscopy, which involved taking a strong bowel cleanser. Unable to access the bathroom and unsteady on a portable commode, Theodore said he had to have a tube attached to a bag inserted in his rectum.

"I felt degraded," he said.

Theodore also was forced to catheterize himself in a common sink in his room because his wheelchair wouldn't fit in the bathroom. He was embarrassed when staff walked in on him.

When Theodore asked to be transferred to the MGH's more elegant Phillips House, where the rooms were bigger, private and more expensive, or to a room with wheelchair accessible bathrooms, he said he was told he'd have to have a fresh start with a new medical team.

"At that point I was three days into the process. I had six IVs in me and I was weak. I was at the breaking point," he said. So he opted to tough it out where he was.

After five days in the hospital, doctors found no cancer and he was released.

"I literally wanted to escape the place," he said.

After he was released, Theodore and his wife, Bernadette, complained to hospital officials, but they feel like their concerns fell on deaf ears.

Theodore is no stranger to the challenges the physically handicapped face.

The 48-year-old lawyer has been paralyzed from the chest down since 1981, when at the age of 21 a close friend accidentally shot him and severed his spine, confining him to a wheelchair for life.

"This was before the Americans with Disabilities Act," Theodore said. "I went to college and law school without handicapped access. There were times when I had to be lifted up stairs or when that wasn't possible, professors told me I could just get the notes from a classmate (instead of attending)."

For years he drove into Boston every day for his state job, then the office moved to Lawrence, making the commute a bit easier. He is married and has two boys.

In 1990, Congress enacted the ADA to remedy widespread discrimination against the disabled, but it has been anything but a quick fix. Theodore has filed about 10 lawsuits over the years to force establishments to make some accommodations.

Guerrera said of his client, "For every Dino Theodore, there are countless others in wheelchairs who either don't know they have civil rights or who are too preoccupied dealing with more pressing problems of day-to-day living to assert their civil rights."