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## Oregon woman, molested under sedation, files lawsuit

By *JOSEPH B. FRAZIER Associated Press Writer* | Published: Mar 27, 2008 at 4:47 PM PDT (2008-03-27T23:47:9Z)



PORTLAND, Ore. (AP) - A Portland woman molested by an anesthesiologist during surgery filed a multimillion-dollar lawsuit Thursday, claiming his employer and her dentist knew of the anesthesiologist's history of molestation.

The anesthesiologist, David Burleson, 50, was sentenced in December to up to five years in prison.

The woman who brought the suit, Katherine Jane Edson, 28, also called Thursday for a law to require medical professionals to report such incidents in instances where it is not required now.

In the suit, Edson said she was sedated on Nov. 6, 2004 when she was abused, but didn't learn of it until 2007, when her dentist, Dr. Jay Malmquist, informed her.

The lawsuit says two previous cases of similar abuse had been reported to the Oregon Anesthesiology Group and Malmquist.

She had been seeing Malmquist for several years to correct a major, congenital dental problem.

The lawsuit said that in Edson's case, Burleson "groped an intimate body part" while assisting her to a recovery bed, but Malmquist continued to allowed him to administer anesthetics to other patients.

According to the suit, Malmquist reported Burleson's abuse to his attorney, who informed Oregon Anesthesiology Group, which reported it to the Oregon Board of Medical Examiners. The board ordered Burleson's license suspended in October 2005 and reported the matter to the Multnomah County district attorney's office.

During the investigation, Malmquist resisted disclosing the names of the patients to prosecutors, saying the patients were fearful of treatment and might not seek further care if they knew of the abuse. But the Oregon Supreme Court ruled that Malmquist must give prosecutors the names.

Malmquist also is named as a defendant, as well as the group. At Burleson's sentencing, his lawyer, Marc Blackman, said that far from protecting Burleson, Malmquist was the one who turned him in, doing "only what he sincerely believed was the best for the patients."

Employees at the group said Thursday the only person authorized to comment, CEO Joy Ketchum, was out of the

office until next week.

The lawsuit charges sexual battery, fraud and negligence and seeks \$2 million in noneconomic damages and \$30,000 for counseling costs. It reserves the right to seek punitive damages.

Edson and her attorney, Erin Olson, said Thursday that there are laws requiring the reporting of abuse of children and the elderly, but that regulations are lax for ages in between, and victims might not know for years of abuse.

Olson said Oregon's Board of Medical Examiners requires doctors to report misconduct of other doctors when they discover it but that reporting requirements are looser for other medical practices.

Rep. Mitch Greenlick of Portland, interim chairman of the House Committee on Health Care, said Thursday he received an e-mail from Edson only last week and was not sure exactly what she wanted.

"I would be delighted to make health professionals mandatory reporters of sexual or physical abuse of patients by somebody else if that isn't the case right now," he said.

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