

Firing of highly regarded Santa Clara County doctors stuns child abuse advocates

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SAN JOSE — The firing of two prominent Santa Clara County pediatricians for allegedly failing to report glaring signs of abuse on a toddler — which may have spared the 2-year-old boy a horrific death had it come to light — has shocked child advocates who held the pair in high regard.

Dr. John Stirling was first suspended and then terminated on April 22 from his position as head of Valley Medical Center's Center for Child Protection, along with abuse specialist Dr. Melissa Egge. Multiple sources said they were dismissed because they did not report possible child abuse as required by law when the boy was at the hospital six months before his January death with two suspicious arm fractures. His mother's boyfriend, Manuel Anthony Lopez, 22, is suspected of raping, beating and suffocating the boy in January and faces a possible death penalty trial.

Many child advocates were stunned at the revelations. Stirling was a well-known speaker at child abuse symposiums who has written guest commentary for this newspaper about foster care issues; Egge was a popular pediatrician who has testified as an expert witness in court cases.

"They were the most caring, concerned professionals, dedicating their lives to children who have suffered trauma," said Penny Blake, a former county prosecutor who now serves on the Child Abuse Council. "And both very competent doctors. We worked with them, we respected them — we're blown away."

Karen Scussel, executive director of Child Advocates of Silicon Valley, said Stirling has been a "great partner and resource."

"He's been very generous with his time," she said. "He's come in and talked about trauma and its effects on kids and how they react to it."

Charles Wilson, director of the renowned Chadwick Center for Children and Families in San Diego — which is considered a top state authority on mandated reporting — also knows both pediatricians. He echoed the sentiments of others who said they found it hard to fathom a reason why the doctors would fail to report the case to Child Protective Services.

While Wilson said "medicine is not an absolute science and people make miscalculations across the spectrum," he called the firings an "unusual action." He said punitive measures, including a very rare criminal prosecution, are generally seen in cases outside the medical community — situations in which, for example, the head of a school doesn't want to smear a faculty member or a church leader fears its reputation may be tarnished by allegations of molestation by a member of the clergy.

But sources close to the case said it wasn't a wobbler, something that could be dismissed as accidental. Despite the mother's claims that the boy had fallen down, doctors at O'Connor Hospital marked on the boy's chart that he had "nonaccidental trauma" when they transferred him to VMC, sources said, in part because the hospital has expertise in child abuse cases.

State law requires that those in certain professions including medical workers be "mandated reporters" — held to be responsible for alerting authorities to possible cases of child abuse. As part of training, VMC physicians are given a presentation that outlines such duties, which stresses that any worker with "reasonable suspicion" of abuse must

immediately call CPS or police, and submit a written report within 36 hours. That “reasonable suspicion” doesn’t require proof or medical symptoms, and workers face misdemeanor charges for failure to report.

“Unless you are certain that someone else has made the report, make the report yourself,” reads the presentation, in bold and underlined text.

“Let’s say there are three of us,” said Blake of the Child Abuse Council. “Unless each one of us knows for sure another one of us has reported it, each one of us has to report it.”

She said that’s true for “everyone along the line,” going back to the boy’s intake at O’Connor.

Stirling and Egge have not returned calls seeking comment. Valley Medical Center released a statement Tuesday that said they “have taken this situation very seriously and remain committed to upholding a high level of care and safety for our patients. We cannot comment further due to privacy and other reasons.”

O’Conner officials issued a statement Tuesday that said the “tragic story came to our attention in recent days.”

“We are taking immediate action to look into the matter to understand what occurred at O’Connor Hospital,” said Verity Health System spokeswoman Jane Brust. “Patient safety and compliance are our highest priorities, and we will take all actions necessary to ensure the safety of the patients we serve.”

Wilson said hospitals sometimes have a system in which rank-and-file staff may defer a decision on whether to contact authorities to a delegate up the chain of command who handles such matters.

“There are reasons to have people with expertise making the call,” he said. “That doesn’t mean that expertise is infallible, and it’s possible for someone to not make the right call.”

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