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Judge orders hospital to treat COVID patient with experimental drug

“Within 48 hours, she's off the ventilator”



Photo by: Photo provided by Smemthiewicz family



By: [Eileen Buckley](#)

Posted at 6:27 PM, Jan 18, 2021 and last updated 5:27 PM, Jan 18, 2021

BUFFALO, NY (WKBW) — An elderly Cheektowaga woman continues to recover from COVID-19 at Millard Fillmore Suburban Hospital in Amherst after a judge ruled that an experimental drug be used to treat her.



Photo provided by Smemthiewicz family

80-year-old Judith Smemthiewicz has been treated with experimental drug.

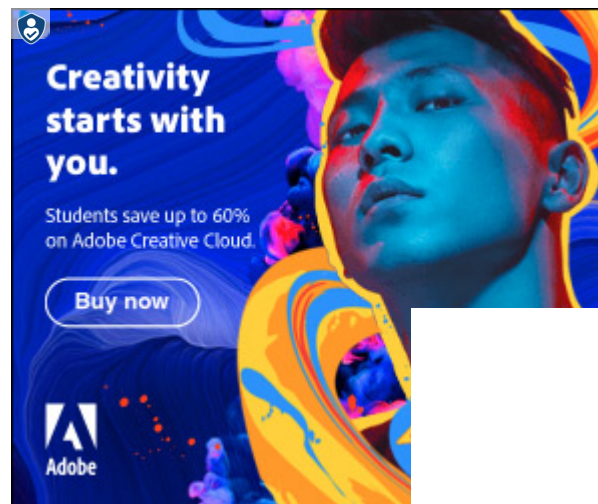
Judith Smemthiewicz, 80, was placed on a ventilator in late December.

Initially doctors gave her one dose of the controversial drug Ivermectin, and she improved.

But her condition worsened, and just days after the first dose doctors placed her back on a ventilator.

Lorigo said the hospital refused to give her more doses of the drug.

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Ralph Lorigo, attorney, represents woman's family.

That's when he drew up court papers and included a letter from the woman's doctor who wrote how she improved "dramatically" after the first dose.

State Supreme Court Judge Henry Nowak ordered the hospital to administer the drug, but the hospital initially refused.

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“I say to him — I’ve got a court order — we’ve relieved you of liability. My people will sign a release and I go through the history of this lady — they still object,” Lorigo explained.

PRESENT: HON. HENRY J. NOWAK, J.S.C.
Presiding Justice

STATE OF NEW YORK : COUNTY OF ERIE
SUPREME COURT

MICHELLE KULBACKI,

Plaintiff,

v.

KALEIDA HEALTH

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Court documents filed before State Supreme Court Judge Henry Nowak.

There is debate about using Ivermectin to treat COVID.

The FDA approved drug is used mostly to treat children for head lice. But it has been effective for some COVID patients.

Dr. Russo tells us the drug has received significant attention.



Eileen Buckley

Dr. Thomas Russo, chief of Infectious Disease, Jacobs School of Medicine & Biomedical Sciences, University at Buffalo, in Zoom interview.



Lorigo said the hospital finally agreed to give Smemthiewicz the drug again.

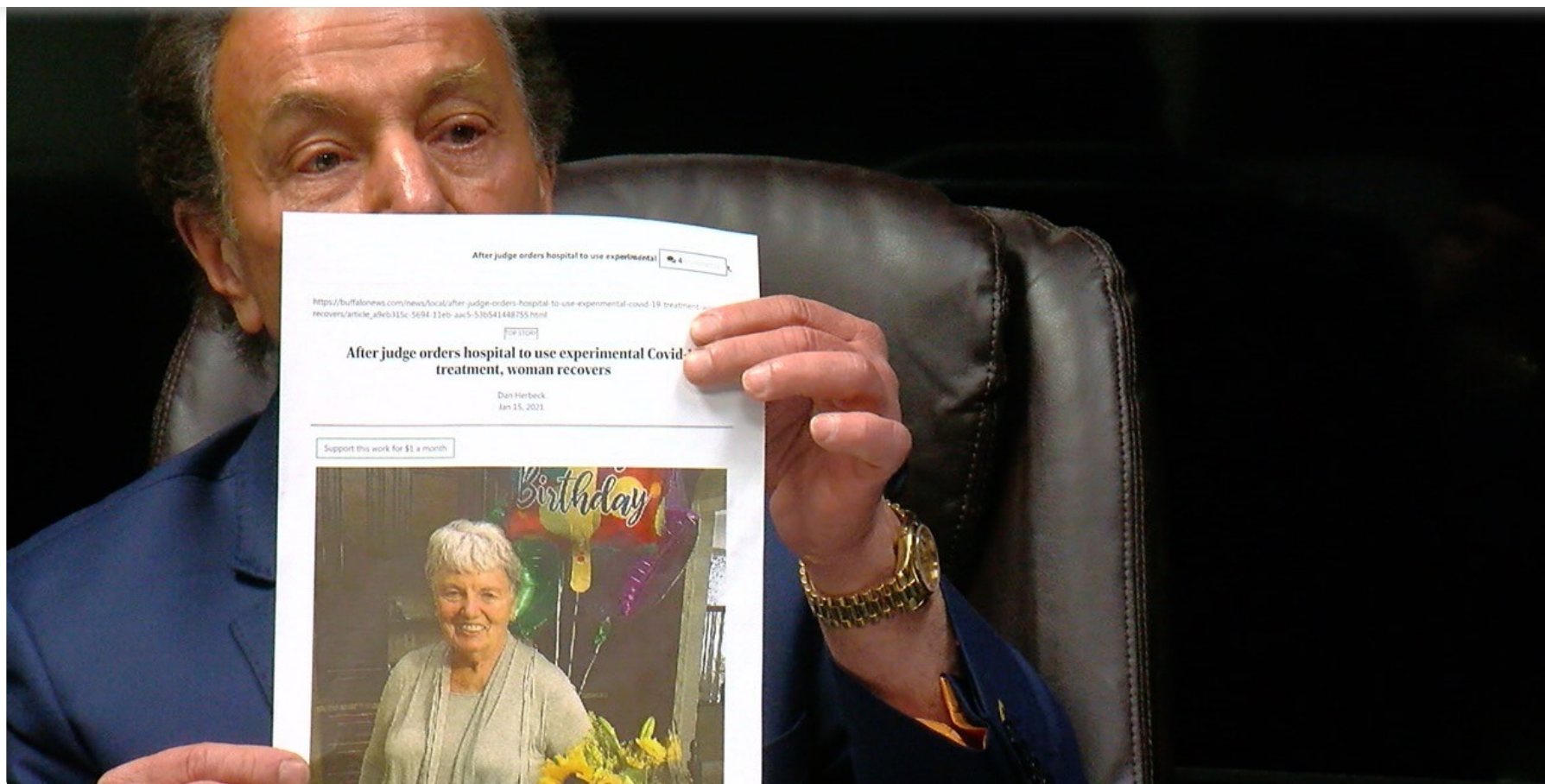
“And the judge finally decides that look — the family physician ordered it — the hospital has to give it to her — that's his order and they have to continue it,” said Lorigo.

Kaleida Health, operator of Millard Suburban, issued the following written statement:

“We are aware of this family's position. Federal privacy laws prevent us from disclosing details on the patient's hospital stay. Moreover, as this is also a legal matter, we will not comment any further.”

Right now, Dr. Russo said there is not enough data for the National Institute of Health to recommend Ivermectin for treating COVID.

“It’s possible that it could actually make treatment less effective. It’s critical to learn how the drugs work together. It could be a slippery slope. We already do t have some treatments that are effective for the treatment of COVID, such as steroids and Remdesivir,” Dr. Russo remarked.



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Attorney Ralph Lorigo holds up photo of Judith Smemthiewicz.

But Lorigo said Smemthiewicz is living proof that it works. She's now off the ventilator and expected to be released to rehab soon.

He said the lesson here is the importance of health advocacy — in this case from her family, her doctor, and a judge.



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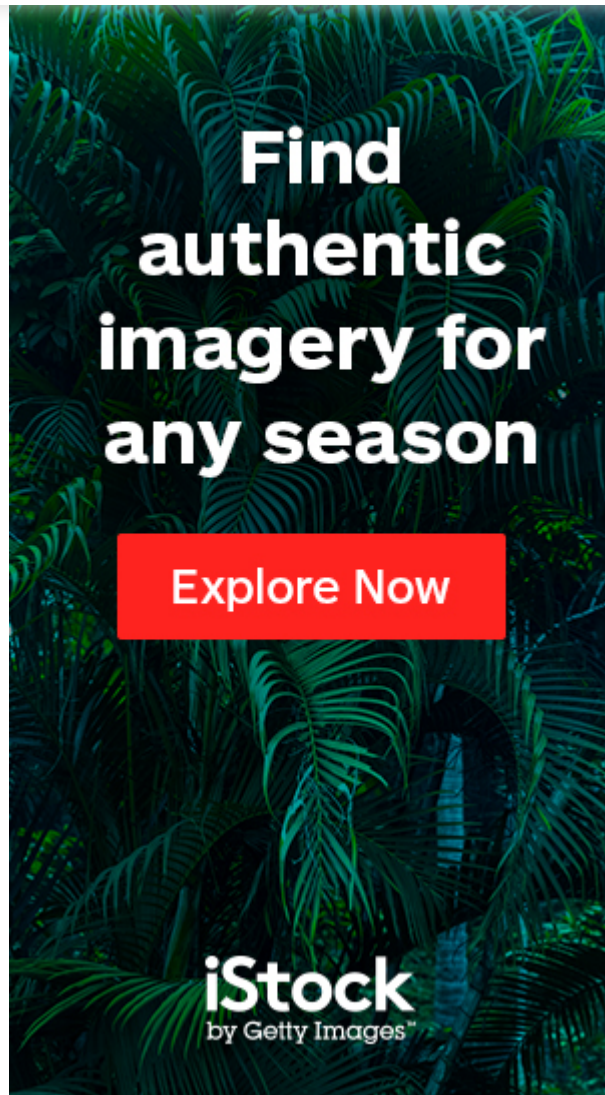
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