

# Greenwich Hospital hit with another lawsuit over drug-addicted surgeon

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A new lawsuit filed against [Greenwich Hospital](#) over its handling of a drug-addicted surgeon is adding fuel to the fire surrounding the case, bringing the total number of former patients seeking damages to nine women.

A Newtown couple, Diane and [Scott Buchanan](#), filed a lawsuit in January, claiming the hospital was negligent in entrusting Dr. [Ian Rubins](#), a plastic surgeon, with hospital privileges despite being aware of substance-abuse problems.

Rubins died of a heroin overdose in 2008. The hospital has stated publicly it was aware of Rubins' drug problems since 1997, but that he successfully completed several different rehabilitation programs. The lawsuit states [Diane Buchanan](#) suffered serious complications after undergoing three cosmetic surgeries with Rubins.

"Greenwich Hospital's conduct was recklessly indifferent to Diane Buchanan's rights," states the complaint. "As a result of the carelessness and negligence of Greenwich Hospital, Diane Buchanan suffered severe, painful and permanent injuries."

The Buchanans' attorney, [Carey Reilly](#), of Bridgeport-based Koskoff, Koskoff and Beider, said this case is separate from a class-action lawsuit against the hospital involving Rubins filed in 2008.

"If you know someone is a drug addict, you don't give them the right to perform surgeries in (a) hospital," said Reilly. "We believe they never should have given Dr. Rubins the ways and means to commit malpractice on Mrs. Buchanan."

Greenwich Hospital declined to comment on the Buchanans' lawsuit Wednesday. In a December 2009 Greenwich Time article, hospital Chief Executive [Frank Corvino](#) defended the hospital, saying Rubins was given a clean bill of health each time he went through rehab.

Attorney [Sean McElligott](#), also of Koskoff, Koskoff and Beider, filed a class-action lawsuit on behalf of eight women in 2008 claiming the hospital ignored Rubins' problems for fear it would diminish profit from its prominent breast center.

It specifically alleges that the hospital violated the Connecticut Unfair Trade Practices Act, as well as alleges fraud and a breach of the hospital's fiduciary duty. That case is still pending.

Reilly, representing the Buchanans, said documents recovered in the Rubins case show the doctor demonstrated a clear drug-abuse problem in 2006, during what she called the "peak" of the problem.

A state [Department of Public Health](#) investigation shows numerous doctors observed Rubins asleep while standing up during a break between two morning surgeries on April 5, 2006. Witness accounts describe Rubins' eyes as rolling back into his head and his speech slurred.

Dr. [Joel Rein](#), the chief of plastic surgery at the time, told the state health investigator that his "general impression was the respondent (Rubins) was under the influence of a sedative or mind-depressing agent," according to the documents.

Hours later, Rubins was asked to report to the hospital's [Occupational Health Services](#) for a "reasonable suspicion drug screen test" which was performed under the supervision of Dr. [John DelVecchio](#), a medical director.

According to records, DelVecchio wrote that Rubins asked for a "bit of dignity" while in a bathroom attempting to fill up a urine sample cup. After filling the cup, the doctor said Rubins dropped the cup into the toilet filled with blue dye, thus contaminating it. Rubins then told DelVecchio he needed water to make another sample and went out to his car to get some, despite being offered water from the office. One minute after drinking from a water bottle, Rubins said he was ready to take the test again.

"As he unzipped, he repeatedly began looking behind him to see where I was, and then reached into his left pocket and appeared to withdraw something," wrote DelVecchio. "Before I was able to move around him to see what he was doing, he quickly turned around and handed me a cup with a small amount of urine in it."

The urine sample had no registered temperature and was not warm to the touch, according to records. It was packaged, but state officials were notified of Rubins' "refusal to test."

The next morning, Rubins sent a note to the hospital informing them he was taking a temporary leave of absence effective immediately, records show. He entered and completed four weeks of rehab. Upon release, a doctor told health officials Rubins could return to practice medicine with "reasonable skill and safety as of June 17, 2006."

In May 2007, there was another incident in which Rubins injected a syringe containing Fentanyl into himself after taking it from an adjoining operating room where a different doctor was prepping for surgery. He replaced the syringe with saline. Fentanyl is a narcotic painkiller used to treat patients.

Rubins told investigators he injected himself due to disc pain in his neck. His medical privileges were suspended shortly thereafter.

When Rubins was found dead at age 46 in January 2008, his former business manager said she believed the troubled doctor was regularly taking drugs during his tenure at the hospital.

"Evidently, he would shoot himself up with something immediately after surgery, somewhere between Greenwich Hospital and the practice at 4 Dearfield Drive," [Susan Galbraith Zimmerman](#) told [Greenwich Time](#) at the time.

Both sides involved in the class-action lawsuit are scheduled to meet for a hearing Monday in state [Superior Court](#) in Stamford.

Reilly said she plans to amend the Buchanan lawsuit in recent weeks with additional counts against the hospital.