

**Jurors: Knox Was Not at Fault -  
Although Found Negligent, He Did Not Cause a Patient's Death**

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Former Roanoke pain doctor Cecil Knox on Thursday won the first of several wrongful death cases against him when a federal jury found his actions were not a direct cause of a patient's overdose.

Despite the favorable verdict, the jury also decided the doctor was negligent in his care of John "Rock" Tisdale, but that the negligence didn't contribute to Tisdale's death.

"We don't feel that Dr. Knox was responsible for the overdose," said juror Paul Purcell, who also said, "My personal belief is there was some lack of normal care and follow-up that should have happened."

After Rock Tisdale died in September 2000 at age 46, an autopsy concluded the cause was methadone poisoning. The lawsuit, filed in February 2002 by Tisdale's widow, Deloris Tisdale, claimed that Knox should never have prescribed the methadone, saying it was that action that was a direct cause of the man's death.

"However it occurred, whether a voluntary overdose or whatever, he [Tisdale] would have not had methadone if it were not prescribed," said Tisdale's attorney, Tony Russell.

But Knox's lawyers, John Jessee and Powell Leitch, countered that their client could not be blamed for Rock Tisdale's death when Tisdale himself took too many pills and understood the risk inherent in his actions.

"I am not saying it was an intentional act," Jessee told the jury. "I'm saying that he contributed to his own death."

Russell contended that after a relatively minor car crash in January 1999, Rock Tisdale visited several physicians. At most, those doctors put him on Percocet and Celebrex and told him to come back if he still had pain in four to six weeks.

But Deloris Tisdale, herself a patient of Knox's at the time, suggested her husband also see Knox. Knox first prescribed morphine for Rock Tisdale's pain, but later switched to

OxyContin when the morphine made him sick. The methadone was added several months later.

This week, Russell called two pain management experts, Richard Wilson and Richard Rauck, to the stand, who both testified that Knox should not have prescribed methadone to a patient already taking OxyContin after a relatively minor car crash.

They added that Knox should have "worked up" Tisdale, or had more X-rays and blood tests done, before prescribing the methadone.

But Knox testified that he saw many of Rock Tisdale's medical records and recent X-rays when he first took him on as a patient. He also conducted a head-to-toe examination of Tisdale, he said.

When he requested that Tisdale get additional tests later, the patient did not follow through time and again, Knox's lawyers said.

Russell accused Knox of never diagnosing the cause of Rock Tisdale's pain, pointing out that late in the doctor's treatment of Tisdale, he ordered tests to rule out diabetes and "other causes" of the pain.

Instead of getting at the root of the pain by running tests or referring Tisdale to other physicians, Knox simply continued to "prescribe and prescribe," Russell said.

Even after Tisdale reported that his pain was lessening, Knox did not lower the dosages, the plaintiff argued.

But Knox said he was confident that Tisdale suffered from "sacroiliac joint dysfunction," or an alteration in normal joint function in the area of the lower back and hip.

Jessee and Leitch argued that Knox's treatment of Rock Tisdale, including the medication, allowed the man to function again and return to work.

Knox said he prescribed the methadone because he wanted to wean Tisdale off the OxyContin, adding that he had in fact lowered the dosage on the OxyContin at the office visit two days before Tisdale's death.

Ultimately, the jury may have given much weight to the toxicology report in the case and the testimony of Kenneth Latta, a Duke University pharmacist specializing in the human body's metabolism of drugs.

Latta said when a person takes a steady dose of methadone, the blood levels plateau after about 10 days and level out from then on unless the dosage is increased.

Because Tisdale was on the same dosage of methadone for more than a year, Latta said, he should not have suddenly died of methadone poisoning without an unauthorized increase in the drug.

Russell said Deloris Tisdale contended that her husband worked the day before his death, then came home and had a couple of beers before going to bed.

But a family friend, Christopher Pappas, testified that Deloris Tisdale told him her husband had stayed home that day, drinking and taking many pills.

"The contributing factor was he overdosed and was taking alcohol at the same time," said Purcell, the juror.

He later added, "You must follow your instructions. You must live within the confines of what you are supposed to do."

Deloris Tisdale took the stand briefly to say just one thing: That Pappas' testimony was a lie.

According to Purcell, her lack of testimony was troubling.

Deloris Tisdale's daughter, Gesele Craig, said the family was disappointed in the verdict and would appeal.

"Because he [Tisdale] drank a couple of beers, that's why we just lost this case," Craig said.

Knox pleaded guilty to three felonies in October after a 2003 criminal jury acquitted him on most charges and was hung on the rest. He was sentenced last month to five years probation and voluntarily surrendered his medical license.

He still faces at least four more wrongful death cases, which were put on hold for the criminal case.

Knox called the victory "bittersweet," saying he hoped it would at least alleviate the fears of fellow pain doctors.

Asked whether Thursday's verdict would have any impact on the other cases, Leitch said, "We can only wait and see."

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