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Doctor is sued in death of girl, 4

The Boston Globe

Her psychiatrist treated her with powerful drugs

By Shelley Murphy, Globe Staff | April 4, 2008

The parents of 4-year-old Rebecca Riley are awaiting trial on charges that they killed her in December 2006 with an overdose of psychiatric drugs.

A medical malpractice suit filed yesterday asserts that a Tufts Medical Center psychiatrist who diagnosed the girl as bipolar when she was 28 months old and then treated her for two years with a regimen of powerful drugs is to blame for her death.

"This child was subject to mostly telephone prescriptions and a slipshod diagnosis," said Boston lawyer Andrew C. Meyer Jr., who represents Rebecca Riley's estate and filed the suit against Dr. Kayoko Kifuji in Suffolk Superior Court.

Six weeks before Rebecca Riley was found dead on Dec. 13, 2006, in a Hull house shared by her parents and other relatives, a nurse at her Weymouth preschool warned Kifuji that she suspected the child was overmedicated because she was often too tired to participate in school activities and appeared like a "floppy doll," according to Meyer. Kifuji did not reduce her medication after examining the child, he said.

"They made her a 4-year-old zombie," said Meyer, whose Boston law firm Lubin & Meyer specializes in medical malpractice cases. "We don't believe that she did suffer from bipolar or that this was the appropriate medication."

The suit was filed on behalf of a court-appointed guardian who is serving as administrator of Rebecca Riley's estate and is protecting the interests of the girl's 13-year-old brother and 7-year-old sister. It seeks unspecified damages for the wrongful death and pain and suffering endured by Rebecca, as well as the loss suffered by her brother and sister, who are in foster care and have been named the beneficiaries of her estate.

Kifuji could not be reached for comment yesterday. Since the child's death, Kifuji remains on staff at Tufts Medical Center, but no longer treats patients. She has voluntarily agreed not to practice medicine, pending an investigation by the state Board of Registration in Medicine.

Tufts Medical Center released a statement yesterday saying: "We have not received any official notification of a lawsuit. We remain in support of Dr. Kifuji and the care she provided."

Kifuji diagnosed Rebecca Riley with bipolar disorder and attention deficit and hyperactivity disorder and prescribed clonidine, a blood pressure medication that is sometimes used to calm aggressive children, Seroquel, an antipsychotic drug, and Depakote, an antiseizure drug, according to court records. The child died from an overdose of the prescription drugs, and, by itself, the amount of clonidine in her system was fatal, court records indicate. Clonidine and Depakote are approved by the FDA for adults only.

A trial date has yet to be set for Michael and Carolyn Riley, who were initially charged with first-degree murder in intentionally overmedicating their daughter and knowing that it would be fatal.

In December, a judge reduced their charges to second-degree murder, ruling that there was insufficient to evidence to support the prosecution's assertion that the death was premeditated. Prosecutors are appealing that ruling to the state appeals court.

In court after the parents' arrests, a prosecutor alleged that the Rileys falsely said their daughter was mentally

unstable so she would qualify for Social Security disability benefits and then deliberately overmedicated her. Carolyn Riley's brother, who was living with the Rileys in Hull, told investigators that Rebecca was ill for days prior to her death and that he pleaded with her parents to take her to the hospital, but they refused, according to a State Police affidavit filed in the case.

Kifuji told police she was "shocked and very concerned" in October 2005 when Carolyn Riley told her she had gradually increased Rebecca's nighttime dose of clonidine and warned her not to do so again because increasing the dosage could be fatal, according to the affidavit.

Brockton lawyer John G. Darrell, who represents Michael Riley, said the suit raises "an interesting question" about who is responsible for Rebecca Riley's death. "I think the facts will eventually show that my client did not do anything criminal."

Carolyn Riley's lawyer could not be reached for comment. The Rileys remain in custody without bail, pending trial.

Meyer said that even if a jury finds Rebecca Riley's parents guilty of murder, it does not alleviate Kifuji of liability.

"The primary responsibility falls on this doctor," Meyer said. "The failure of this doctor to respond to the warnings she was given and to thoroughly investigate the symptoms that her medication was causing ended with this very sad result here of a young girl dying."

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