

Prosecutor: Mom duped doctors into operating on healthy toddler

By Levi Pulkkinen
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SEATTLE -- A Kenmore mother who tearfully tricked Seattle Children's doctors into operating on her young daughter likely won't face any jail time.

Caught after faking medical ailments for two years, Carmen Boyce pleaded guilty Tuesday on the eve of trial. Prosecutors have agreed to ask for a suspended jail sentence coupled with mental health treatment.

Boyce, 35, was alleged to have badgered doctors at the Seattle hospital into implanting a feeding tube in her healthy 3-year-old daughter. She was caught months later forcing her younger child to throw up in an effort to fake another medical condition.

No motive was offered for the abuses, which King County Deputy Prosecutor Benjamin Gauen described as "unequivocally strange and unusual" and "wholly antithetical to common experiences of parenthood."

"It is beyond the ken of a jury to think that a parent could intentionally dupe doctors into performing unnecessary and harmful treatment on her child," Gauen said in court papers.

Boyce entered a modified guilty plea Tuesday afternoon as part of a plea deal that will likely allow her to avoid jail time. Without admitting guilt, Boyce acknowledged a jury would likely convict her and pleaded guilty to two misdemeanor assault charges.

Had she not pleaded guilty, allegations that Boyce forced years of unnecessary medical treatment on her young daughters would've gone to a King County jury later in the week. She likely faced years in prison if convicted, though prosecutors were attempting to prove an assault - "medical child abuse" - new to Washington state courts.

The girls, now ages 6 and 4, have been removed from Boyce's care. Both regained their health after they were separated from their mother.

Prosecutors claimed Boyce began forcing unnecessary medical treatments on her daughters when they were toddlers and continued until December 2012, when the grandmother of another Children's patient spotted Boyce tickling her younger daughter until the girl vomited.

Boyce, Gauen said, held herself out to Children's Hospital nurses and doctors as "a dedicated, conscientious mother" hoping her chronically ill children would be healed.

Boyce told Children's staff that each girl suffered from a host of medical problems, from seizures to sleep apnea to food allergies to hypertension, Gauen said in court papers. Most often, though, she claimed her daughters weren't eating.

Years of inquiry by doctors and nurses found those claims to be lacking.

"Countless examinations, procedures, and tests produced no medical explanation or cause for the majority of the girls' reported symptoms," Gauen said in court papers. "In short, doctors at (Children's) were completely baffled."

Boyce's younger daughter was put on a powerful anti-seizure medication and received enemas three times a day. A feeding tube was installed in the older girl. Investigators would later determine none of it was necessary.

Charged in May 2013, Boyce fought strenuously to have the prosecution dismissed.

Prior to Tuesday's plea, David Allen, a private defense attorney hired by Boyce, denied his client lied to her children's doctors, or that those lies caused her older daughter's surgery. On her behalf, he also claimed she simply "swept" food from her daughter's mouth the day she was said to be seen jamming pasta into the girl.

Allen appealed to the state Supreme Court to intervene on his client's behalf after King County Superior Court judges refused to dismiss the charges. The high court declined to hear the case.

Allen declined to discuss Boyce's plea when contacted Tuesday.

'Unnecessary and disfiguring' surgery, dangerous treatment

After years of complaints from Boyce, Children's staff was becoming suspicious in late 2012 when she arrived, claiming her then-2-year-old daughter was not eating, and would vomit when she did manage to eat something. Admitted for observation, the girl ate without trouble unless her mother was alone with her during meal time.

"This made the staff highly suspicious," Gauen told the court.

Those suspicions proved correct.

The grandmother of another patient reported to staff that she heard Boyce forcing her daughter to vomit by tickling her relentlessly. The toddling girl's laughter turned to tears as Boyce encouraged her to vomit.

"Vomit, vomit, just vomit!" Boyce told her daughter, according to the prosecution's account.

"This type of 'tickling' is actually synonymous with torturing the child," opined Dr. Carole Jenny, a University of Washington professor of pediatrics who reviewed the case for prosecutors.

The girl threw up, and Boyce promptly called for help. She told the nursing staff the vomiting was spontaneous.

Later that day, the grandmother - herself a nurse, whose grandchild shared a hospital room with Boyce's daughter - heard the whole drama repeat itself after Boyce's daughter managed to drink from a bottle.

The woman heard and saw more abuse the following day, when she watched Boyce brace her daughter across her knees and ruthlessly tickle the crying, shaking girl before forcing macaroni down the child's throat.

The girl gagged and then vomited, and Boyce again called for help. The other woman had seen enough; she told hospital staff, who called the Seattle Police Department and child protective services.

Confronted by police, Boyce immediately denied allegations that had not yet been made known to her.

"Upon entering the room Carmen Boyce immediately denied hurting her children and said, 'I did not make my child vomit!'" Detective Julie Wight said in court papers. "This was before she had been advised of why detectives were there or prior to questioning her at all."

Boyce went on to explain hospital staff thought she was "crazy" when she reported her daughter was having seizures. She said she'd been helping her daughter vomit since the girl turned 1.

The girls were both placed in protective custody that day, and would spend nearly two weeks under observation at Children's.

As it turned out, both girls were well, except for their mother's interventions. Among those was a feeding tube installed in the older girl's digestive tract at Children's in 2012.

Following dire complaints from Boyce about the girl's poor eating and weight loss early in 2010, a nurse at Children's provided Boyce with a nasal feeding tube used to supplement traditional feeding. Boyce told hospital staff the tube didn't solve her daughter's eating trouble and was making her vomit.

The girl's pediatrician worried Boyce was "overmedicalizing" her child's problems and needed counseling, Gauen said in court papers. Boyce then switched doctors.

Doctors who treated the girl described Boyce as distraught over her child's condition.

She tearfully complained the girl wouldn't eat enough, prompting one doctor to opine that Boyce was "at the end of her ability to cope."

Convinced Boyce's concern was genuine, Children's staff and Boyce agreed a feeding tube would be surgically installed in her daughter's abdomen. The procedure - a percutaneous endoscopic gastrostomy, or PEG - was conducted in April 2012.

The surgery, like the rest of the medical intervention done at Boyce's insistence, wasn't necessary. The girl ate normally as soon as she was removed from her mother's care, and has since she had the feeding tube removed.

Jenny, the prosecution's medical expert, found Boyce's older daughter had been the victim of medical child abuse. Jenny said in a statement to the court that Boyce's lies put her child in danger.

Jenny noted the girl was "obviously well nourished" when Boyce convinced her doctors to implant the feeding tube. Jenny described the surgery as "unnecessary and disfiguring," and noted that it caused an infection.

The girl "received a huge amount of medical care, medical interventions and testing, and unnecessary surgery based on her mother's inability to honestly and accurately describe her condition," Jenny said in a letter to the court. "Her inability to take any responsibility for her actions bodes poorly for the child's future safety if she is returned to her mother's care."

Jenny came to a similar conclusion regarding Boyce's younger daughter, and recounted what she described as a "stunning example" of the disconnection between Boyce's claims and her daughter's condition.

In August 2011, Boyce brought the girl to Children's claiming she was severely dehydrated and unable to eat. An intrusive medical examination of the 11-month-old found those claims to be entirely meritless - the girl was hydrated, of normal weight and well.

Boyce "said she felt like the treatment team was not listening to her or taking her concerns seriously," Jenny said in her statement. "That might have been because her reports didn't correlate with reality."

Allen compared the term "medical child abuse" to Munchausen syndrome by proxy, a term the defense attorney demanded not be used during his client's trial.

Munchausen syndrome by proxy generally refers to a parent or caretaker inflicting pain on someone else to elicit sympathy. Though popular fodder for true crime television, the term offers little in the way of concrete meaning. Gauzen described it as an "outdated concept."

Medical child abuse, though, is a diagnosis given for a harmed child, Gauen said. He argued both Boyce's girls qualified for it easily. Gauen said in court papers the prosecution would've been the first of its kind in Washington.

Prosecutors had charged Boyce with second-degree assault of a child - a felony that would likely have carried a three-year prison term for Boyce - as well as fourth-degree assault.

She pleaded guilty to two counts of fourth-degree assault by entering what's known as an Alford plea. Doing so, she claimed she was innocent while agreeing she would likely be convicted.

Prosecutors plan to request a suspended sentence contingent on Boyce participating in mental health treatment. They'll also ask that Boyce not have unsupervised contact with her children or make medical decisions for them.

King County Superior Court Judge Palmer Robinson is scheduled to sentence Boyce on Feb. 13.