



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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County Counsel

May 5, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Michelle Schroeder v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 376 276

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Michelle Schroeder v. County of Los Angeles, Los Angeles Superior Court Case No. BC 376 276, in the amount of \$1,400,000 plus assumption of the Medi-Cal lien for \$1,147.14, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at LAC+USC Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|----------------------------|---|
| CASE NAME | Michelle Schroeder v. County of Los Angeles |
| CASE NUMBER | BC 376276 |
| COURT | Los Angeles Superior Court - Central District |
| DATE FILED | August 21, 2007 |
| COUNTY DEPARTMENT | Department of Health Services |
| PROPOSED SETTLEMENT AMOUNT | \$1,400,000 plus the assumption of the Medi-Cal lien in the amount of \$1,147.14 |
| ATTORNEY FOR PLAINTIFF | Steven H. Schultz, Esq. |
| COUNTY COUNSEL ATTORNEY | Narbeh Bagdasarian |
| NATURE OF CASE | <p>On June 23, 2006, Michelle Schroeder was referred to LAC+USC Medical Center for evaluation and treatment of her lower back pain.</p> <p>On September 17, 2006, she presented to the emergency department at LAC+USC Medical Center complaining of worsening back pain. The staff evaluated the patient and discharged her.</p> <p>On September 22, 2006, Ms. Schroeder returned to LAC+USC Medical Center. Diagnostic evaluation identified a herniated disc. The patient underwent a surgery but had already suffered injury to the nerves in her back.</p> |

Ms. Schroeder brought a lawsuit against the County of Los Angeles contending that the LAC+USC Medical Center staff delayed the diagnosis and treatment of her condition thereby causing her permanent damage.

The County proposes to settle this case in the amount of \$1,400,000 plus the assumption of the Medi-Cal lien in the amount of \$1,147.14.

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| PAID ATTORNEY FEES, TO DATE | \$85,368.50 |
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|---------------------|-------------|
| PAID COSTS, TO DATE | \$58,490.30 |
|---------------------|-------------|

Case Name: SCHROEDER



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

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| Date of incident/event: | |
| Briefly provide a description of the incident/event: | On June 23, 2006, Michelle Schroeder was referred to LAC+USC Medical Center for evaluation and treatment of her low back pain. On September 17, 2006, she presented to the emergency department at LAC+USC Medical Center complaining of worsening back pain. The staff evaluated Ms. Schroeder and discharged her. On September 22, 2006, Ms. Schroeder returned to LAC+USC Medical Center. Diagnostic evaluation identified a herniated disc. Ms. Schroeder underwent a surgery but had already suffered injury to the nerves in her back. |

1. Briefly describe the root cause(s) of the claim/lawsuit:

Due to the length of time to the scheduled clinic appointment there was pressure on the spinal nerves causing damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Appropriate personnel corrective actions were done.
- The criteria for obtaining a clinic appointment in Orthopedic-Spine were revised to give priority to patients needing surgical intervention.
- Education was provided for residents in the emergency department on low back pain and spine.
- Initiated submission of Orthopedic Spine clinic referrals via an automated Referral Processing System
- Training provided for informed consent and documentation for Department of Neurosurgery
- A system-wide survey was conducted which confirmed that there is a process for patients that need Ortho-Spine clinic appointments sooner than "next available" to facilitate a timely visit.
- A system-wide survey was conducted which confirmed that licensees in the emergency departments have been trained to conduct full neurological exams and document their findings.
- A system-wide survey was conducted to review all consent policies for the acute care hospitals. It was confirmed that each hospital has a policy for consent which outlines the process for informed consent and emergency consent.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

| | |
|---|-------------------------|
| Name: (Risk Management Coordinator) <i>Kimberly McKenzie</i> | |
| Signature: <i>Kimberly</i> | Date: <i>4/26/10</i> |

| | |
|---|-------------------------|
| Name: (Department Head) <i>John F. Schunhoff</i> | |
| Signature: <i>John F. Schunhoff</i> | Date: <i>4-26-10</i> |

Chief Executive Office Risk Management Branch

| | |
|------------------------------------|--------------------------|
| Name: <i>Robert Chavez</i> | |
| Signature: <i>Robert Chavez</i> | Date: <i>04-16-10</i> |

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