



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN
County Counsel

November 17, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Juan Aguirre v. County of Los Angeles**
Los Angeles Superior Court Case No. PC 046 065

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 Juan Aguirre v. County of Los Angeles, Los Angeles Superior Court Case No. PC 046 065, in the amount of \$160,000 plus assumption of a Medi-Cal lien in the amount of \$153,387.99 and Medicare lien in the amount of \$7,740.33 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 the Olive View Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan Aguirre v. County of Los Angeles
CASE NUMBER	PC 046065
COURT	Los Angeles Superior Court - North Valley District
DATE FILED	August 3, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$160,000 plus the assumption of the Medi-Cal lien (\$153,387.99) and Medicare lien (\$7,740.33).
ATTORNEY FOR PLAINTIFF	Benjamin Fogel, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On December 19, 2008, Juan Aguirre presented to Olive View Medical Center ("OVMC") to undergo surgery.</p> <p>On December 31, 2008, the OVMC staff placed a naso-gastric tube in Mr. Aguirre's stomach. The tube caused injuries to Mr. Aguirre's lungs. Mr. Aguirre was fully treated and was discharged home.</p> <p>Mr. Aguirre filed a medical malpractice action against the County of Los Angeles claiming that due to the placement of the</p>

naso-gastric tube, he suffered injuries and was forced to stay at the hospital for an unnecessarily prolonged time.

PAID ATTORNEY FEES, TO DATE

\$65,927

PAID COSTS, TO DATE

\$17,241.59

Case Name: Aguirre, Juan



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.

Date of incident/event:	December 31, 2008
Briefly provide a description of the incident/event:	On December 19, 2008, Juan Aguirre presented to Olive View/UCLA Medical Center to undergo surgery. On December 31, 2008, the hospital staff placed a nasogastric tube in Mr. Aguirre's stomach. The tube caused injuries to Mr. Aguirre's lungs. Mr. Aguirre was fully treated and was discharged home.

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

Radiologist did not identify misplaced tube resulting in prolonged hospitalization.

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

- Facility policy for the insertion of feeding tubes was revised to include radiologic evidence of correct tube placement.
- Query of UHC hospitals found various acceptable practices to verify nasogastric tube placement. There is no standard approach to verifying placement.
- Policies for the insertion of feeding tubes were revised system-wide to include radiographic evidence of correct tube placement.

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).
- X Does not appear to have Countywide or other department(s) implications.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) <i>Kimberly McKenzie</i>	
Signature: <i>Kimberly McKenzie</i>	Date: <i>9/22/10</i>

Name: (Department Head) <i>Carol Meyer for John Schunhoff</i>	
Signature: <i>Carol Meyer</i>	Date: <i>10/15/10</i>

Chief Executive Office Risk Management Branch

Name: <i>Robert Chavez</i>	
Signature: <i>Robert Chavez</i>	Date: <i>9-23-10</i>

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