



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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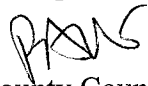
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JOHN F. KRATTLI  
County Counsel

November 28, 2012

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Ricardo Rodriguez and Carmen Rodriguez v. County of**  
**Los Angeles**  
**Los Angeles Superior Court Case No. BC 446 581**

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 Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ricardo Rodriguez and Carmen Rodriguez v. County of Los Angeles, Los Angeles Superior Court Case No. BC 446 581, in the amount of \$3,950,000 plus assumption of the Medi-Cal lien, if any, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This lawsuit arises from injuries a patient allegedly received undergoing treatment while hospitalized at LAC+USC Medical Center.

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ricardo Rodriguez and Carmen Rodriguez v. County of Los Angeles, et al.
CASE NUMBER	BC 446581
COURT	Los Angeles Superior Court - Central District
DATE FILED	November 24, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$3,950,000, plus assumption of the Medi-Cal lien.
ATTORNEY FOR PLAINTIFF	E. Neal Daley, Esq. Dixon & Daley, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On August 25, 2009, Ricardo Rodriguez, a 47-year-old male, was taken to LAC+USC Medical Center for treatment of his burn injuries.</p> <p>On September 11, 2009, as the patient was under general anesthesia to undergo a skin graft procedure, the patient suffered an arrest, and as a result, he suffered permanent neurological injuries.</p> <p>Mr. Rodriguez brought a medical malpractice action against the County of Los Angeles contending that the anesthesia staff at LAC+USC Medical Center were</p>

negligent in the management of  
the anesthesia during the  
September 11, 2009, surgical  
procedure, thereby causing  
permanent injuries to the patient.

PAID ATTORNEY FEES, TO DATE

\$62,217

PAID COSTS, TO DATE

\$55,771

Case Name: Rodriguez, Ricardo



## 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:	9/11/09
Briefly provide a description of the incident/event:	<p>On August 25, 2009, Ricardo Rodriguez, a 47-year-old male, was taken to LAC+USC Medical Center for treatment of his burn injuries.</p> <p>On September 11, 2009, as the patient was under general anesthesia to undergo a skin graft procedure, the patient suffered an arrest, and as a result, he suffered permanent neurological injuries.</p> <p>Mr. Rodriguez brought a medical malpractice action against the County of Los Angeles contending that the anesthesia staff at LAC+USC Medical Center were negligent in the management of the anesthesia during the September 11, 2009 surgical procedure, thereby causing permanent injuries to the patient.</p>

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

Brain damage resulting from cardiopulmonary arrest.

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


- All appropriate personnel corrective actions have been taken.
- A system-wide survey was conducted to identify the processes in place to supervise certified registered nurse anesthetists (CRNAs). All DHS facilities who utilize CRNAs have a process in place to supervise CRNAs. The DHS facilities who utilize CRNAs, also monitor adherence to their supervision guidelines. DHS is establishing system-wide expectations for the supervision of CRNAs.
- All DHS facilities that administer anesthesia use a standardized patient consent form.
- DHS is in the process of developing a standardized handoff communication tool to be used between anesthesia providers.

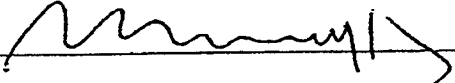
County of Los Angeles  
Summary Corrective Action Plan

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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 for assistance)

- Potentially has County-wide 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 County-wide or other department implications.

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: 	Date: 6/29/12

Name: (Department Head) Mitchell H. Katz, M.D.	
Signature: 	Date: 6/29/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 6-21-2012