

MEMORANDUM

September 22, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: LEONARD E. TORRES
Torres & Brenner

OWEN L. GALLAGHER
Principal Deputy County Counsel
Litigation Cost Management Division

RE: Jereatha J. Thomas v. County of Los Angeles
Los Angeles Superior Court, South Central District Case No.
TC017979

DATE OF INCIDENT: June 19-21, 2003

AUTHORITY REQUESTED: \$195,000, Plus Assumption of the Medi-Cal Lien Not To Exceed \$2,390

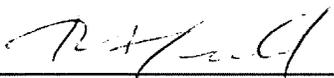
COUNTY DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

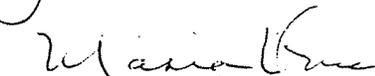
Approve

Disapprove

Recommend to Board of Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on October 3, 2005

SUMMARY

This is a recommendation to settle for \$195,000, the wrongful death lawsuit brought by Jereatha Thomas (mother) for the death of Demetria Thomas subsequent to Demetria's transfer from King/Drew Medical Center on June 21, 2003. The State, having paid \$2,390 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLE

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On June 19, 2003, at 4:00 p.m., Demetria Thomas, a 27-year-old woman with a disorder caused by the failure of the pancreas to release enough insulin into the blood (diabetes mellitus) and high blood pressure (hypertension), was seen in the Emergency Room at King/Drew Medical Center with complaints of chest pain which had occurred at about 2:00 p.m. Although Ms. Thomas was complaining of chest pain, medical personnel did not immediately order a test to record electric activity of the heart (electrocardiograph [EKG]), to eliminate the possibility that her symptoms were the result of the localized tissue death of a portion of heart muscle caused by an obstruction in a coronary artery (myocardial infarction).

At 7:40 p.m., medical personnel ordered that Ms. Thomas be given an EKG, which was performed at 8:00 p.m. At 9:00 p.m., she was given a second EKG. The results of both EKG's indicated that she had suffered a myocardial infarction. The standard of care requires that patients suffering from a myocardial infarction be treated with drugs used to dissolve a blockage occurring in an artery of the heart (thrombolytic therapy) within 12 hours of the beginning of chest pain. However, the medical record does not document that the results of the 8:00 p.m., or the 9:00 p.m., EKG's were immediately read by medical personnel.

At 11:30 p.m., medical personnel read the results of the prior EKG's performed on Ms. Thomas, determined that the results were abnormal, and ordered additional laboratory tests to confirm that she had suffered a myocardial infarction. In addition, medical personnel requested a consultation with a specialty pertaining to the diagnosis and treatment of disorders of the heart (cardiology). However, no thrombolytic therapy was ordered.

On June 20, 2003, at about 3:00 a.m., she was seen by a cardiologist. Although it was concluded that Ms. Thomas had suffered a myocardial infarct, the time to administer thrombolytic therapy had expired. She was treated with drugs

to help prevent the formation of additional blood clots, and a decision was made to transfer her to Harbor/UCLA Medical Center for further management, including possible surgical intervention which King/Drew Medical Center was unable to perform.

On June 21, 2003, at 8:30 p.m., Ms. Thomas was transferred to Harbor/UCLA Medical Center. However, despite aggressive treatment, her condition continued to deteriorate. At 11:20 p.m., she died. An autopsy performed at Harbor/UCLA Medical Center attributed the cause of her death to a complete cessation of heart and lung function (cardiopulmonary arrest), resulting from myocardial infarction.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Jereatha Thomas, Loss of Care, Comfort and Companionship (MICRA limit)	\$250,000
Funeral Expenses	\$ 8,000
Costs of Litigation	<u>\$ 15,000</u>
TOTAL	\$273,000

The proposed settlement includes:

Jereatha Thomas, Loss of Care, Comfort and Companionship	\$123,350
Attorney's Fees (MICRA Estimate)	\$ 56,650
Costs of Litigation	<u>\$ 15,000</u>
TOTAL	\$195,000

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County in the defense of this case through August 10, 2005, are attorney's fees of \$43,518 and \$14,651 in costs.

The total cost to the County, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$195,000
County Attorney's Fees and Costs	\$ 58,169
Medi-Cal Lien	\$ <u>2,390</u>
TOTAL	\$255,559

EVALUATION

Medical experts will be critical of the failure of medical personnel at King/Drew Medical Center to timely diagnose and treat Demetria Thomas' myocardial infarction. This failure fell below the standard of care and is directly responsible for the results observed here.

We join with our private counsel, Torres & Brenner, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$195,000, and payment of the Medi-Cal lien in the amount of \$2,390.

The Department of Health Services concurs in this settlement.