

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

WEDNESDAY, NOVEMBER 19, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Ruby Beatty v. County of Los Angeles
DFEH Claim No. E200708-C-1199-00-apc and
OAAC Internal Monitored Complaint No. 08-0180

This matter alleges that the County Public Library failed to engage in the required interactive process or to provide reasonable accommodations for an employee with disabilities.

Action Taken:

The Claims Board approved settlement in the amount of \$42,000.

Absent: None

Vote: Unanimously carried

- b. County of Los Angeles v. Sandra Shewry and State Department of Health Services
Los Angeles Superior Court Case No. BS 113 301

This lawsuit concerns payments under the State Medi-Cal Program.

Action Taken:

The Claims Board approved settlement whereby the County will receive approximately \$63,238.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Cherylle Cuozzo, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 032 929

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at Olive View Medical

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$335,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. Sandra Shewry and State Department of Health Care Services
CASE NUMBER	BS 113301
COURT	Los Angeles Superior Court Central District
DATE FILED	February 13, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	County would receive approximately \$63,238
ATTORNEY FOR PLAINTIFF	Jeffrey Bates, Esq. Foley & Lardner, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	This is a petition filed by the County of Los Angeles against Sandra Shewry and California State Department of Health Services. The County seeks reimbursement for medical services provided at LAC+USC Medical Center ("LAC+USC") and Rancho Los Amigos National Rehabilitation Center ("Rancho").

The subject medical services were billed to Medi-Cal. The County of Los Angeles and the State Department of Health Services disagreed as to the extent to which the State Department of Health Services should reimburse the County under the Medi-Cal program.

After exhausting the necessary administrative procedures, the County filed the present petition with the Court. The parties then reached a settlement where the State Department of Health Services would pay \$63,238 as the final settlement of the dispute.

PAID ATTORNEY FEES, TO DATE \$6,718

PAID COSTS, TO DATE \$25.80

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cherylle Cuozzo, et al v. County of Los Angeles
CASE NUMBER	PC 032929
COURT	Los Angeles Superior Court North Valley District
DATE FILED	June 27, 2003
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$335,000.00
ATTORNEY FOR PLAINTIFF	Steven G. Cohn, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a medical malpractice case brought by Cherylle Cuozzo, Jennifer Cuozzo and Amanda Cuozzo, the surviving family of Ernest Cuozzo, who died on April 2, 2002, at Olive View Medical Center ("OVMC").</p> <p>On March 31, 2002, Ernest Cuozzo, a 51-year-old male, presented to the Emergency Department at OVMC. The staff evaluated the patient and discovered that he was suffering from an increased number of red blood cells.</p>

Appropriate therapeutic measures were undertaken to lower the patient's red blood cell count.

On the following day, the patient's condition deteriorated as he suffered an arrest. Although the patient was resuscitated, his condition worsened, and he died on April 2, 2002. An autopsy was performed, which identified the cause of death as lung infection with increased red blood cells as a major contributing factor.

Mr. Cuozzo's surviving family brought a lawsuit against the County of Los Angeles, contending that the OVMC failed to provide the patient with the necessary treatments.

Although the County asserts that proper care was provided to Mr. Cuozzo, considering the risks involved in a jury trial, however, the Department of Health Services agreed to propose a settlement of this case in the amount of \$335,000.00.

PAID ATTORNEY FEES, TO DATE	\$75,639
PAID COSTS, TO DATE	\$23,194



Summary Corrective Action Plan

Date of incident/event:	April 2, 2002
Briefly provide a description of the incident/event:	Ernest Cuozzo presented to the Emergency Department at Olive View/UCLA Medial Center on March 31, 2002, with chest congestion, a productive cough, diarrhea and weakness. Laboratory studies were consistent with an overproduction of red blood cells that did not improve with appropriate therapeutic measures. On the following day his condition worsened and he died. Autopsy results revealed he died of a lung infection with increased red blood cells as a major contributing factor.

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

- Failure to timely diagnose and treat infectious condition/sepsis.

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 taken.
- 2005: DHS-wide Surviving Sepsis Campaign was developed to improve the diagnosis, survival, and management of patients with sepsis by addressing the challenges associated with it. Sepsis is considered one of the most challenging and difficult conditions to manage, as the course of sepsis varies widely from patient to patient and can develop as a result of a variety of circumstances. The DHS Surviving Sepsis program increased awareness, understanding, and knowledge, changed patterns in care, and defined standards through a care protocol developed with stakeholders at each DHS facility.
- 7/06 through 11/07: System-wide education was provided for Surviving Sepsis Campaign including at this facility.

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 County-wide implications.
- Potentially has implications 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.

Signature: (Risk Management Coordinator) <i>[Handwritten Signature]</i>	Date: 11/12/08
Signature: (Interim Chief Medical Officer) <i>[Handwritten Signature]</i>	Date: 11/12/08
Signature: (Interim Director) <i>[Handwritten Signature]</i>	Date: 11-13-08