

STATEMENT OF PROCEEDINGS
FOR THE REGULAR 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

MONDAY, OCTOBER 5, 2009, AT 9:30 AM

Present: Rocky Armfield, John Krattli and John Naimo

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.

George E. Adeeb addressed the Claims Board regarding Item 3 (b).

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).
 - a. Rafael Alarcon and Maria Alarcon v. County of Los Angeles
Los Angeles Superior Court Case No. BC 398 372

This lawsuit concerns the care provided to a patient at the LAC+USC Medical Center – Ingleside Psychiatric Hospital.
(Continued from the meeting of August 18, 2009.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$395,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

b. Claim of DePuy Shine, Johnson and Johnson Company

This claim arises from the loss or theft of a vendor's surgical medical supplies that were in the custody and control of the LAC+USC medical center.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

See Supporting Documents

c. Carlos Fargas v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 407 464

This lawsuit concerns allegations that a former employee of the Department of Mental Health was subjected to racial and sexual harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

Absent: None

Vote: Unanimously carried

d. Stephen Galindo v. County of Los Angeles
United States District Court Case No. CV 07-07911

This lawsuit concerns allegations that an employee of the Public Defender's office was discriminated against based on his disability and religious beliefs.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Absent: None

Vote: Unanimously carried

- e. Darnell Wheat v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 380 785

This lawsuit concerns allegations that the Department of Children and Family Services failed to adequately protect a dependent of the Juvenile Court.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- f. Sara Bajkowski v. County of Los Angeles
Los Angeles Superior Court Case No. PC 041 654

This dangerous condition lawsuit arises from injuries received in a slip and fall at a housing unit at a juvenile hall.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Absent: None

Vote: Unanimously carried

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. Approval of the minutes for the September 21, 2009, regular meeting of the Claims Board.

Action Taken:

The minutes for the September 21, 2009, regular meeting of the Claims Board were approved.

See Supporting Document

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rafael Alarcon and Maria Alarcon v. County of Los Angeles
CASE NUMBER	BC 398372
COURT	Los Angeles Superior Court, Central District
DATE FILED	September 17, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$395,000
ATTORNEY FOR PLAINTIFF	Peter McNulty
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a civil action brought by Rafael Alarcon and Maria Alarcon, the surviving parents of Jorge Alarcon.</p> <p>Jorge Alarcon was diagnosed with severe mental illness and was placed at LAC+USC Medical Center Ingleside Psychiatric Hospital ("Ingleside"), for observation.</p> <p>On June 2, 2008, while the staff at Ingleside were distracted by another patient, Mr. Alarcon committed suicide by hanging himself.</p> <p>Mr. Alarcon's parents filed an action against the County of Los Angeles alleging that the personnel at Ingleside Psychiatric</p>

Hospital failed to adequately monitor Mr. Alarcon, thereby creating the opportunity for him to commit suicide.

PAID ATTORNEY FEES, TO DATE	\$12,421
PAID COSTS, TO DATE	\$2,050.05

Summary Corrective Action Plan



Date of incident/event:	June 2, 2008
Briefly provide a description of the incident/event:	Jorge Alarcon was diagnosed with severe mental illness and was placed at Los Angeles County Ingleside Psychiatric Hospital. On June 2, 2008, while the staff were distracted by another patient, Mr. Alarcon committed suicide by hanging himself.

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

- Failure to monitor high risk patient

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
- Existing policies for suicide monitoring were reviewed with all facility psychiatric nursing staff.
- Rounds are conducted by supervisors on all shifts to monitor compliance with standards.
- Rounds are conducted by supervisors on all shifts to monitor compliance with standards system-wide.
- Facility polices and protocols for monitoring the patient at risk for suicide were reviewed and were found to be in compliance with all regulatory standards system wide
- Policies were revised system-wide regarding the role and responsibilities of sitters assigned to continuously monitor patients to include a back up plan if the sitter is distracted or called away. The sitter may not leave the patient unless relieved by another staff member.

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: 7/14/09
Signature: (Interim Chief Medical Officer) <i>[Handwritten Signature]</i>	Date: 7/16/09
Signature: (Interim Director) <i>[Handwritten Signature]</i>	Date: 7-17-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF CLAIM

CASE NAME	DePuy Spine, Johnson and Johnson Company
CASE NUMBER	None
COURT	None
DATE FILED	January 21, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$235,992
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Eva Vera-Morrow
NATURE OF CASE	Breach of Contract -- LAC+USC acknowledges receipt of vendor's products. Products were lost or stolen while in the custody and control of LAC+USC.
PAID ATTORNEY FEES, TO DATE	\$7,500.00
PAID COSTS, TO DATE	None



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:	Between May 17 to 19, 2008
Briefly provide a description of the incident/event:	<p>Upon request, on Saturday, May 17, the vendor, DePuy Spine, J&J Company, delivered instrumentation trays for a May 19 spine surgery. The trays included expensive newly designed implants. On that same day, facility staff wrapped and sterilized the trays and stored them in the Central Processing Unit (CPU) in preparation for the surgery.</p> <p>The morning of the surgery, the trays were missing from the CPU. A search located two unwrapped trays; however four trays were missing and could not be located.</p>

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

Lack of security in the CPU.

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

- Relocated vendor representative room to a location adjacent to the CPU main desk.
- Implemented the practice of keeping the vendor representative room locked at all times.
- Improved the latch/locking mechanism on the vendor representative room door.
- Required that vendors be allowed access only when accompanied by staff.
- Trained CPU staff and vendors regarding these changes.
- Ceased vendor access to the CPU between 11:30 p.m. and 6 a.m.
- Notified the County Police, vendors, and staff that the CPU was closed to vendors between 11:30 p.m. and 6:00 a.m.
- Revised the facility's Vendor Visiting Policy

The following were implemented after the CPU moved to a new location:

- Required that vendors check in at the CPU window and present the vendor badge issued by Materials Management.
- Locked the vendor representative room.
- Required that vendors only be given access when accompanied by staff.
- Developed a Nursing Policy on "Borrowed or Consigned Instruments".

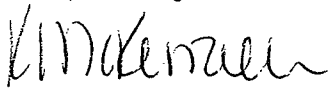
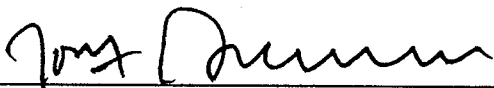
System-wide Corrective Action

- Conducted a system-wide survey and confirmed that other departmental facilities with operating rooms secure loaned equipment, require vendors to check in and be issued a visitor's badge, and have either a policy or procedure for logging in loaned equipment and keeping it secure.

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) 	Date: 8/27/09
Signature: (Department Head) 	Date: 9-4-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darnell Wheat v. County of Los Angeles, et al.
CASE NUMBER	56-2008-00327558-CU-PP-SIM
COURT	Ventura County Superior Court
DATE FILED	11/15/2007
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 42,500
ATTORNEY FOR PLAINTIFF	Christopher J. Keane Law Offices of Christopher Keane (415) 398-2777
COUNTY COUNSEL ATTORNEY	Lauren M. Black Social Services Division (213) 974-0695
NATURE OF CASE	Darnell Wheat alleges that, as a result of the County's failure to adequately protect his son while he was a dependent of the Juvenile Court, his son was beaten to death by the boyfriend of the minor's biological mother.
PAID ATTORNEY FEES, TO DATE	\$ 100,474
PAID COSTS, TO DATE	\$ 4,872



Summary Corrective Action Plan Department of Children and Family Services



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:	February 4, 2004 through August 8, 2006
Briefly provide a description of the incident/event:	Minor died as the result of abuse by his mother's boyfriend.

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

The root cause(s) of this claim/lawsuit is (are):
staff violations of established policies.

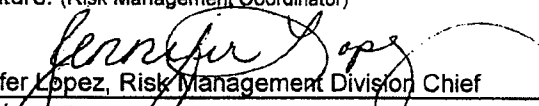
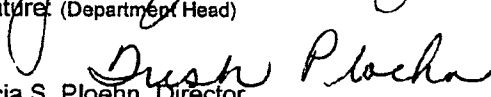
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective actions to address root cause

The process non-conformance was referred to Performance Management for review and action. All appropriate personnel action was taken.

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)  Jennifer Lopez, Risk Management Division Chief	Date: 7/28/2009
Signature: (Department Head)  Patricia S. Ploehn, Director	Date: 8-7-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

September 21, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:32 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu, Joseph Langton, Manuel A. Valenzuela, Jr., Edwin Lewis, Mary Wickham, Lauren Black, and Andrea Ross; Sheriff's Department: Patrick Hunter and Lynne Hughes; Department of Public Health: Jim Day; Probation Department: Tracy Jordan-Johnson; Department of Health Services: Evelyn Szeto, Elizabeth Baca, and David Cochran; Department of Children and Family Services: Lynette Morgan-Nichols, Michelle Victor, and Adrienne Olson; Department of Mental Health: Zoe Tractenberg; Outside Counsel: Nohemi G. Ferguson, Areva Martin, Maurice S. Kane, and Elizabeth M. Kessel.

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).

At 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

4. Report of actions taken in Closed Session.

At 12:50 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Rafael Martinez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 020 608

This lawsuit seeks compensation for injuries received in an automobile accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$220,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$220,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Craig W. Ginsburg v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 018 533

This dangerous condition lawsuit arises from a slip and fall incident at the Acton Rehabilitation Center; settlement is recommended in the amount of \$90,000 plus a waiver of medical expenses in the amount of \$374,586.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$90,000 plus a waiver of medical expenses in the amount of \$374,586.

The vote of the Claims Board was unanimous with all members being present.

- c. Theresa Beck v. County of Los Angeles
Los Angeles Superior Court Case No. BC 385 489

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate; settlement is recommended in the amount of \$200,000 plus a waiver of \$47,765 in medical bills.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000 plus a waiver of \$47,765 in medical bills.

The vote of the Claims Board was unanimous with all members being present.

- d. Sandra Isabel Amezola-Briceno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 384 789

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to sexual harassment; settlement is recommended in the amount of \$30,000.

The Claims Board approved settlement of this matter in the amount of \$30,000.

The vote of the Claims Board was unanimous with all members being present.

- e. Willie Woods v. County of Los Angeles
Los Angeles Superior Court Case No. BC 378 891

This lawsuit concerns allegations of racial discrimination, retaliation, and failure to investigate by the Department of Children and Family Services; settlement is recommended in the amount of \$140,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$140,000.

The vote of the Claims Board was unanimous with all members being present.

- f. Jasmine L., et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 303 732

This lawsuit concerns allegations of deprivation of educational and mental health services and the use of inappropriate physical restraint by the Department of Children and Family Services; settlement is recommended in the amount of \$150,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

The vote of the Claims Board was unanimous with all members being present.

- g. Arial M. v. Antelope Valley Union High School District and Los Angeles County Department of Mental Health
Case No. N2009010703

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of \$60,510.

The Claims Board approved settlement of this matter in the amount of \$60,510.

The vote of the Claims Board was unanimous with all members being present.

5. Approval of the Minutes for the August 17, 2009, regular meeting of the Claims Board and the September 2, 2009, special meeting of the Claims Board.

The Minutes for the August 17, 2009, regular meeting of the Claims Board and the September 2, 2009, special meeting of the Claims Board were approved.

The vote of the Claims Board was unanimous with all members being present.

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

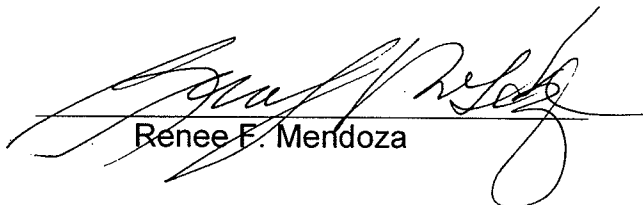
No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 1:14 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Merdoza