

**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, JULY 19, 2010, AT 9:30 AM**

Present: John Naimo, Steven NyBlom 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. Ana-Jimenez Salgado v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 397 869

This medical negligence lawsuit arises from treatment received by plaintiff while a patient at LAC+USC Medical Center.

Action Taken:

The Claims Board recommended settlement of this matter to the Board of Supervisors in the amount of \$198,000 plus the assumption of a Medi-Cal lien in the amount of \$24,756.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

b. Claim of St. Mary's Medical Center

This claim by St. Mary's Medical Center seeks reimbursement for emergency medical treatment provided to a County jail inmate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

c. Geneva Lofton v. County of Los Angeles

Los Angeles Superior Court Case No. MC 020 260

This dangerous condition lawsuit arises from injuries received from a trip and fall on a sidewalk at a Probation Department camp.

Action Taken

The Claims Board approved settlement of this matter in the amount of \$90,000.

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. Approval of the minutes of the July 8, 2010, special meeting of the Claims Board.

Action Taken:

The minutes for the July 8, 2010, special meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[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	Ana Jimenez-Salgado v. County of Los Angeles
CASE NUMBER	BC 397869
COURT	Los Angeles Superior Court Central District
DATE FILED	September 10, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$198,000 plus the assumption of the Medi-Cal lien in the amount of \$24,756
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On August 2007, Ana Jimenez-Salgado underwent a biopsy in both of her breasts. The biopsy slides were examined by two pathologists outside LAC+USC Medical Center ("LAC+USC"), who interpreted the slides as cancer.</p> <p>Based on such interpretation, the patient underwent a procedure at LAC+USC, whereby her breasts were surgically removed. The LAC+USC staff then proceeded with breast reconstruction procedure.</p>

After the surgery, the breast tissue that was obtained during the procedure was examined by LAC+USC pathologists. LAC+USC's pathology staff concluded that the patient did not have breast cancer. Instead, she was suffering from a benign condition with features that are very similar with cancerous cells.

Ms. Jimenez-Salgado brought a medical malpractice lawsuit against the County of Los Angeles and the non-County pathologists who interpreted the slides. As to the County, the plaintiff contended that the LAC+USC staff were negligent in relying on the interpretation of the outside pathologists, and also, that the LAC+USC staff performed the breast reconstruction surgery negligently causing her to suffer a great deal of pain.

The County proposes to settle this case in the amount of \$198,000 plus the assumption of the Medi-Cal lien in the amount of \$25,756.

PAID ATTORNEY FEES, TO DATE

\$64,440

PAID COSTS, TO DATE

\$13,271.67

Case Name: JIMENEZ SALGADO



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:	January 10, 2008
Briefly provide a description of the incident/event:	On August 8, 2007, and August 14, 2007, Ana Jimenez-Salgado underwent breast biopsy at an outside facility. The biopsy slides were examined by two pathologists from the outside facility who interpreted the slides as cancer. Based on the interpretation Ms. Jimenez-Salgado underwent a procedure at LAC+USC whereby her breasts were surgically removed. The LAC+USC staff proceeded with breast reconstruction surgery. After the surgery, the breast tissue obtained during the surgery was examined by LAC+USC pathologists. The LAC+USC pathology staff concluded that Ms. Jimenez-Salgado did not have breast cancer. Instead she was suffering from a benign condition with features that are very similar with cancer cells.

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

Failure to obtain facility review of pathology specimens that had been previously reviewed at a non-COLA facility resulting in unnecessary procedure.

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

- The facility policy was revised to clarify that affiliating facilities are not COLA facilities and are considered outside hospitals.
- The facility revised their procedure to ensure that breast biopsy specimens obtained from outside facilities are sent to LAC+USC Pathology for review and labeled with LAC+USC patient identifying information.
- The facility stopped sending patients to outside facilities for MRI directed biopsies.
- All DHS facilities require internal review of pathology specimens prior to initiating patient treatment.

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.

County of Los Angeles
Summary Corrective Action Plan

- 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 Countywide or other department(s) implications.

Name: (Risk Management Coordinator)	
Kimberly McKenzie	
Signature: Kimberly McKenzie	Date: 5-27-10

Name: (Department Head)	
John F. Schunhoff	
Signature: John F. Schunhoff	Date: 5-27-10

Chief Executive Office Risk Management Branch

Name:	
Robert Chavez	
Signature: Robert Chavez	Date: 5/19/10

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CLAIMANT NAME	St. Mary Medical Center
CLAIM NUMBER	09-1067158*001
COURT	None
DATE CLAIM FILED	February 6, 2008
COUNTY DEPARTMENT	Health Services
PROPOSED SETTLEMENT AMOUNT	\$40,000
ATTORNEY FOR PLAINTIFF	Alexandra Sariosiek Stevenson, Acquisto & Colman (818) 559-4477
COUNTY COUNSEL ATTORNEY	Robert E. Ragland Principal Deputy County Counsel (213) 974-1928
NATURE OF CASE	<p>On July 27, 2008, a County jail inmate suffered an episode of severe physical distress and required emergency medical treatment. The inmate was transported to St. Mary Medical Center and underwent emergency heart surgery. The inmate remained hospitalized for 11 days.</p> <p>The County is obligated by statute to provide medical care to inmates. The settlement of the St. Mary's bill is a compromise that is based upon the rate imposed by statute for emergency</p>

medical care provided by non-
contracted private hospitals to city
or county jail inmates.

PAID ATTORNEY FEES, TO DATE

None

PAID COSTS, TO DATE

None



Summary Corrective Action Plan

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Date of incident/event:	Inmate's Inpatient stay: July 27, 2008 - August 7, 2008
Briefly provide a description of the incident/event:	The Department of Health Services has a fund that pays for emergency medical care provided to inmates of county jail. The Sheriff has a statutory obligation to provide inmates with medical care. Here, the county jail inmate, while at a court appearance, had a serious medical episode that required emergency medical treatment. The inmate was transported to St. Mary's Medical Center and underwent emergency heart surgery. The inmate received inpatient medical care, including CCU and ICU care, at St. Mary's for eleven days. The inmate was then released to the custody of the Sheriff's Department. St. Mary's Medical Center sought \$274,000 for the care.

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

The root cause for the filing of the St. Mary's claim was the unwillingness of the County to pay full billed charges. The Department of Health Services routinely pays non-contracted hospitals the average regional California Medical Assistance Commission (CMAC) rate for emergency inpatient care. St. Mary's refused to accept this rate and contended that it was entitled to significantly higher rate mandated by Penal Code section 4011.10(b). The section requires that hospitals that provide emergency care to local law enforcement patients be compensated at a rate equal to 110% of the hospital's actual costs, as calculated using a cost-to-charge ratio. St. Mary's filed the claim to obtain payment at the statutory rate.

County of Los Angeles
Summary Corrective Action Plan

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

No corrective action is required. The County has an obligation to pay non-contracted private hospitals at the 110% of actual cost rate for emergency medical care provided to local law enforcement patients. The Department of Health Services will continue pay these medical claims after they are adjudicated by the Sheriff.

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)	
Signature: 	Date: 6/29/10

Name: (Department Head) John F. Schunhoff, Ph.D.	
Signature: 	Date: 7-1-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: 	Date: 7-6-10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Geneva Lofton vs. County of Los Angeles
CASE NUMBER	MC020260
COURT	Los Angeles Superior Court Lancaster North District
DATE FILED	March 18, 2009
COUNTY DEPARTMENT	Probation
PROPOSED SETTLEMENT AMOUNT	\$ 90,000
ATTORNEY FOR PLAINTIFF	Law Offices of Goldberg & Gille
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On March 22, 2007, Ms. Lofton tripped and fell over a cracked sidewalk at the Probation Department's Camp Mendenhall.</p> <p>Ms. Lofton alleges that the property was in a dangerous condition, because the County was aware of the craked sidewalk and did not repair it.</p> <hr/> <p>The County claims that Ms. Lofton walked across this sidewalk on a daily basis, sometimes three times a day, and should have been aware of the sidewalk's condition and thus excercised due care.</p>

Due to the risks and uncertainties of litigation, the Probation Department proposes a full and final settlement of the case in the amount of \$90,000.

PAID ATTORNEY FEES, TO DATE	\$	11,173.56
PAID COSTS, TO DATE	\$	1,000.00

Case Name: LOFTON V. COLA



Summary Corrective Action Plan

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Date of incident/event:	2007
Briefly provide a description of the incident/event:	Plaintiff is a Los Angeles County Office of Education (LACOE) Senior School Clerk that was assigned to Camp Mendenhall. On March 22, 2007, the plaintiff was walking in the facility between the classroom trailer and the school office when she allegedly tripped and fell on a crack in the walkway injuring her left shoulder. In March 2009, the plaintiff filed a lawsuit alleging premises liability and general negligence.

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

Root Cause Analysis:

The initial incident stems from **plaintiff tripping and falling on a crack in a juvenile facility**. A root cause factor analysis was conducted including, but not limited to:

- **Compounding factors and/or exposure area(s) related to:**
 - **Staff knowledge of crack prior to the incident.**
 - **Documentation of prior trip and falls in the same general location.**
 - **Lack of clear documentation that the facility General Services Manager (GSM) and/or the Inspector completed safety orientation and risk reduction training prior to the incident.**
 - **Monthly Physical Plant Inspection Reports fail to note knowledge of the hazardous condition or measures taken to repair the condition.**
- **Exposure compounded by the extent of Plaintiff's injuries post incident.**

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- **Employee(s) failure to take immediate preventive or corrective action post knowledge of the existing crack in the walk way.**
- **The General Services Manager (GSM) and the Inspector failed to complete safety orientation and risk reduction training prior to the incident.**

- **Employee(s) failure to document existing crack in the walk way via Monthly Physical Plant Maintenance Inspection Reports.**
- **Monthly Physical Plant Maintenance Inspection Reports limited ability to adequately capture the extent of hazardous conditions.**

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root cause factors.

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

Recommended Root Cause Corrective Action:

Task #1 Name: Institutional Services Policy Reinforcement

System Issue: Process/Procedure/Personnel

Responsible Person: Tanya Fields

Task Description:

1. The Department will reinforce its policy in Management Services Manual Section #200 related to inspection of buildings and work orders for repairs.
This task was completed in October 2009.

Task #2 Name: Safety Orientation & Risk Reduction Training

System Issue: Process/Procedure/Personnel

Responsible Person: Tanya Fields

Task Description:

1. The Department will require its Management Services Bureau Facility Inspectors, GSM's and Services Directors attend a State of California Standards and Training for Corrections (STC) approved course in Safety Orientation & Risk Reduction. Attendance at STC Course #0015-033844 will enable staff to better understand their role in risk reduction as the course includes, but is not limited to:
 - a. Description of key terms such as "Risk" and "Prevent".
 - b. Description of Substandard Acts.
 - c. Description of Substandard Conditions.
 - d. Overview of U.S. Department of Labor Occupational Safety & Health Administration (OSHA) **identified "Employers Responsibilities"**.
 - e. Overview of U.S. Department of Labor Occupational

Safety & Health Administration (OSHA) **identified**
"Employees Responsibilities".

- f. Overview of Department Policies related to safety and employee conduct.

This task will be completed by the end of October 2010 and will be on-going based on the needs of the operation.

Task #3 Name: Modify Monthly Physical Plant Maintenance Report

System Issue: Process/Procedure/Personnel

Responsible Person: Tanya Fields

Task Description:

1. The Department will modify the existing Monthly Physical Plant Maintenance Inspection Report to ensure that it adequately captures the extent of identified hazardous conditions. The report will be modified to include:
 - a. The name and title of the person conducting the inspection.
 - b. The name and title of the person approving the inspection report.
 - c. The contact numbers for both the inspector and the manager approving the inspection report.
 - d. A signature block for both the inspector and the manager approving the inspection report.
 - e. An overview section that includes the following at a minimum:
 - i. Photo of the outside of the facility.
 - ii. Address of the facility.
 - iii. Size of the facility.
 - f. Recommended Corrective Action Items section that will include, but not be limited to:
 - i. Noting each facility area checked and if an issue was noted such as:
 1. Safety Issue (noting where with a photo of the issue).
 2. Major Concern (noting where with a photo of the issue).
 3. Monitor (noting where with a photo of the issue).

This task will be completed by the end of September 2010.

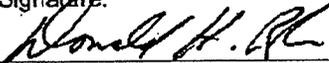
Task #4 Name: Monthly Physical Plant Maintenance Report Quality Reviews

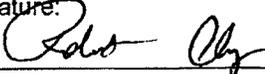
System Issue:	<input checked="" type="checkbox"/> Process/Procedure/Personnel
Responsible Person:	Belinda Ramirez or Designee
Task Description:	<p>1. The Safety Officer or designee will conduct periodic quality reviews (quarterly reviews at a minimum) of the Monthly Physical Plant Maintenance Reports and/or conduct site visits at Juvenile Halls and Camp locations as a part of our Loss Prevention and Safety measures. Results of such reviews will be referenced in our Quarterly Summary via the Chief Executive Office Risk Management Facility Self-Inspection Checklist. The checklist will address areas that include, but are not limited to:</p> <ul style="list-style-type: none">a. If walkways and sidewalks are free from depressions, displacement, cracks or other trip hazards including displacements greater than ½ inch.b. If walkways, sidewalks and parking areas are adequately illuminated. <p>This task completed the end of March 2010 and is on-going.</p>

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)	
ERBIE PHILLIPS	
Signature:	Date:
	4/26/2010

Name: (Department Head)	
Donald H. Blewins	
Signature:	Date:
	5/12/10

Chief Executive Office Risk Management	
Name:	
Robert Chavez	
Signature:	Date:
	5/17/10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

July 8, 2010

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 10:02 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: John Naimo, Steven NyBlom, and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Tighe F. Hudson, Chris Keosian; and Rick Brouwer; Department of Public Works: Michael Hays; Sheriff's Department: Lynn Hughes; Outside Counsel: Calvin House.

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 10:05 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(b).

4. Report of actions taken in Closed Session.

At 11:40 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Bertha Ruiz v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 054 326

This dangerous condition lawsuit arises from a single vehicle automobile accident which occurred on Glendora Ridge Road.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

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

- b. Katherine Voyer v. COLA and Ronnie Williams
Los Angeles Superior Court Case No. BC 349 347

This lawsuit concerns allegations that a Sheriff's Department employee was the subject of discrimination, sexual harassment, and violation of the Public Safety Officers Procedural Bills of Rights; settlement is recommended in the amount of \$790,000.

Action Taken:

The Claims Board continued this item.

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

5. Approval of the minutes for the June 21, 2010, regular meeting of Claims Board.

The minutes of the June 21, 2010, regular 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 11:48 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By *Dorothy Dunson*
Dorothy Dunson