



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN
County Counsel

July 26, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTL 
Senior Assistant County Counsel

RE: **Ana Jimenez-Salgado v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 397 869

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter.

It is requested that this recommendation be placed on the Board of Supervisors' agenda.

JFK:dad

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ana Jimenez-Salgado v. County of Los Angeles, Los Angeles Superior Court Case No. BC 397 869, in the amount of \$198,000 plus the assumption of a Medi-Cal lien in the amount of \$24,756, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

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

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) <i>Kimberly McKenzie</i>	
Signature: <i>Kimberly McKenzie</i>	Date: <i>5-27-10</i>

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

Chief Executive Office Risk Management Branch

Name: <i>Robert Chavez</i>	
Signature: <i>Robert Chavez</i>	Date: <i>5/19/10</i>

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