

19/12/13

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Civil Division

LEISA BUSH-YILLAH
1424 Decatur Street N.W.
Washington, D.C. 20011
Plaintiff

vs.

KAISER FOUNDATION HEALTH PLAN OF THE
MID-ATANTIC STATES, INC. et al.
Regional Administrative Office
2101 E. Jefferson Street
Rockville, MD 20852

REGISTERED AGENT:
The Prentice-Hall Corporation System
7 St. Paul Street, Suite 1660
Baltimore, MD 21202

and

MID-ATLANTIC PERMANENTE MEDICAL GROUP, Inc.
2101 E. Jefferson Street
Rockville, MD 20852

REGISTERED AGENT:
The Prentice-Hall Corporation System
11 East Chase Street
Baltimore, MD 21202

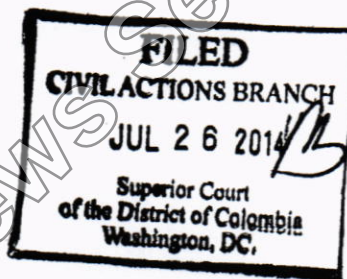
and

HEIDI R. CRISMON, MD
1221 Mercantile Lane
Upper Marlboro, MD 20774
and

MEDSTAR WASHINGTON HOSPITAL CENTER, et al
110 Irving Street N.W.
Washington, D.C. 20010

REGISTERED AGENT:
C T Corporation System
1015 15th Street, NW
Suite 1000
Washington, DC 20005

Civil Action No. **14 - 0004576**



Defendants

COMPLAINT

Plaintiff, Leisa Bush-Yillah, individually files this complaint against Defendants Kaiser Foundation Health Plan of the Mid-Atlantic States, Mid Atlantic Permanente Medical Group, Inc., Heidi R. Crismon, M.D. and Medstar Washington Hospital Center, and alleges as follows in support of her claim:

PARTIES

1. Plaintiff Leisa Bush-Yillah is of full age, a resident of the District of Columbia and a citizen of the United States of America, currently residing at 1424 Decatur Street, N.W., Washington, D.C. 20011.
2. Health care provider Heidi R. Crismon, M.D. is and at all times relevant herein was an ER physician conducting business in Washington, D.C., and other places providing healthcare services including emergency urgent care at Kaiser Permanente, North Capitol, Washington, D.C.
3. Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., is and at all times relevant herein was, a medical entity located in Maryland and elsewhere providing health-care services including ER services/urgent care etc., through its employees and/or real apparent and ostensible agents to persons in need thereof in Maryland and other jurisdictions, including Washington, D.C.
4. Mid-Atlantic Permanente Medical Group, Inc., is and at all times relevant herein is, a medical entity located in Maryland and elsewhere providing health-care services including ER services/urgent care etc., through its employees and/or real apparent and ostensible agents to persons in need thereof in Maryland and other jurisdictions, including Washington, D.C.
5. MED-STAR Washington Hospital Center, Inc., is and at all times relevant herein is, a medical entity located in Maryland and elsewhere providing health-care services including ER services/urgent care etc., through its employees and/or real apparent and ostensible agents to persons in need thereof in Maryland and other jurisdictions.

JURISDICTION AND VENUE

6. (a) This Court has jurisdiction over this Complaint pursuant to D.C. Code § 11-921(a)(6).
(b) This Court has personal jurisdiction over Defendant Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., pursuant to D.C. Code § 13-422; and over Defendants Mid-Atlantic Permanente Medical Group, Inc., Medstar Washington Hospital Center and Heidi Crismon, M.D., pursuant to D.C. Code § 13-423(1), (2), and (3).

c) The acts alleged in this Complaint arose in the District of Columbia; venue is therefore proper in this District.

FACTS

7. On or about July 26, 2011, at 3:00a.m., Plaintiff, Leisa Bush-Yillah visited KAISER's Washington, D.C., North Capitol Urgent Care Center as a member of KAISER's HMO to seek treatment for redness, swelling and severe pain on her right foot due to a deep cat bite that she had suffered at home. After examining the foot, KAISER's attending Emergency Room (ER) physician Dr. Scott Campbell administered the antibiotic *Augmentin*.
8. According to plaintiff's medical record, when there was no improvement to plaintiff's conditions (redness, swelling and pain) after administering Augmentin on Plaintiff, Dr. Campbell consulted with KAISER's Infectious Disease Unit (ID) which recommended switching to *Unasyn*, to be taken at six hour intervals. The notes also indicate that KAISER's ID Unit further recommended that plaintiff be hospitalized if the doses failed to improve her condition. Plaintiff was then given the doses of *Unasyn* along with pain killers and discharged with instructions to return to the Center if needed.
9. The next day, on July 27, 2011, (around 1pm), Plaintiff returned to defendant KAISER's North Capitol Urgent Care Center when she observed that although some of the pain was gone, the redness and swelling had spread beyond the initial area. She was attended to by defendant, ER Dr. Heidi R. Crismon (hereafter CRISMON).
10. Defendant CRISMON administered antibiotics intra-veinously (IV) and kept plaintiff under observation. CRISMON called Pharmacy to order more *Unasyn*. Plaintiff instructed to return at 10:00pm for another round of antibiotics.
11. On or about 10:00pm on July 27, 2011, Plaintiff returned to Kaiser's North Capitol Urgent Care and was again seen by defendant, ER CRISMON. Defendant CRISMON stated that she conferred with one of Kaiser's Infectious Disease (ID) doctors and some recommendations were made. Unknown to the Plaintiff, another ID Dr. Charles Levy had recommended that the Plaintiff be hospitalized because the antibiotics were not working. On or about 2:00am, the Pharmacy called to say that they were unable to obtain more *Unasyn*, but they had *Zosyn*.
12. According to the medical records, Plaintiff's foot was still not responding to the antibiotics. Therefore, Defendant CRISMON consulted with Dr. Strong from the Washington Hospital Center about admitting Plaintiff at Washington Hospital Center. Defendant CRISMON then consulted with Kaiser's ID Dr. Matcha who recommended that *Invanz* would be more appropriate. Defendant Dr. CRISMON said she would try something different via IV. Kaiser North Capitol Urgent Care kept the Plaintiff until 1:00pm the next day (7/28/11).

13. That same evening, Plaintiff returned to Kaiser's North Capitol Urgent Care for another round of antibiotics and stayed through the morning hours.

14. 07/28/2011 at around 4:00a.m.

Plaintiff was seen by Kaiser's North Capitol Urgent Care. ER Dr. Austin recommended an MRI and different medication. Plaintiff left Kaiser, North Capitol at 1:00pm only to be instructed to return that night for more antibiotics.

15. 10:28pm

Plaintiff arrived at Kaiser, North Capitol Urgent Care for another round of antibiotics that did not work. The bacteria continued to spread.

16. 7/29/2011

3:00am

Dr. Austin stated that they need to try something different and also recommended for plaintiff to see two specialists at Kaiser's Fair Oaks (Podiatrist and Infectious Disease).

17. 7:30am

Kaiser called to inform Plaintiff to return to Capitol Hill instead of Fair Oaks.

18. 9:00am

Plaintiff arrived at Kaiser, North Capitol. Plaintiff was seen by Dr. Levy and Dr. Ross. Dr. Ross recommended that Plaintiff take the cat to the vet to determine the type of bacteria since they were unable to identify it. During her appointment with ID Dr. Levy, he shook his head and informed Plaintiff that he told them on Tuesday to hospitalize the Plaintiff. He gave the Plaintiff his card.

19. 12:00pm/Noon

Plaintiff was seen by ER Dr. Arthut M. Treyster M.D. Kaiser decided to slit the wounds in an effort to release fluid. The procedure had not positive results. Plaintiff instructed to return in 24 hours for another dose of Ivang, Augmentin.

20. 7/30/2011

Dr. Marcia Lombardo, a Kaiser ER Doctor at North Capitol Urgent Care saw Plaintiff and determined that she be admitted immediately. She stated that Kaiser should have admitted the Plaintiff on Tuesday July 27, 2011, as Dr. Levy recommended.

21. When Plaintiff was admitted to Medstar Washington Hospital Center (WHC), she had to wait 5 hours for a room and then Plaintiff had to wait several hours before she had the surgery. In the meantime, the bacteria continued to spread.

22. For whatever reasons, Plaintiff was placed in the Stroke Ward in the older part of the hospital. When Plaintiff complained about the deplorable conditions, Plaintiff was told that

rooms were limited. It was clearly unclean and dingy. By this time, during Plaintiff's hospital stay, she was on 3 different antibiotics round the clock. The drugs were so powerful that the IV drip that would normally take 1 hour took 2.5 hours. Throughout her WHC hospital stay, the drugs burned through her veins constantly. Plaintiff felt she was on fire. The ice pack the nurses gave her to place on the IV area did not help her.

23. In addition to the intense pain, the medication was so strong that Plaintiff had severe loose bowels to the extent that she was going to the restroom at least every hour around the clock.
24. It should be noted, that when Plaintiff awoke from surgery, she could not maintain her balance. Her ability to get out of bed, stand up, and go to the bathroom was extremely difficult. To keep from falling down, she had to shuffle her feet quickly and wobble to the bathroom. This action persisted throughout her stay WHC as well as during her stay at home. Because the WHC nurses were too slow in responding to assist her to the bathroom, and the Plaintiff's condition got worse, Plaintiff ended up having a portable potty placed near her hospital bed.
25. Also, while in the WHC hospital, Plaintiff was so afraid of contracting an infection or disease because the hospital was filthy and unsterile, she had difficulty keeping clean. Due to the deplorable hospital conditions and even worse, neglect from the nurses (after the first day, the nurses were not very attentive), Plaintiff had to try to take care of herself. Having no access to a shower, she struggled to perform the most basic tasks. Each time, it would take Plaintiff awhile to regain her balance.
26. One of Plaintiff's friend visited her and was accompanied by her nephew, who is nurse. Her friend's nephew read the labels on the IV drips and he later told her that the drugs in the IV drips were powerful enough to kill all the bacteria (good and bad) in her entire body. Other friends who came to visit commented on the unsanitary conditions at WHC.
27. In addition to Plaintiff's bathroom issues, it was very difficult to maintain good hygiene. There was no shower and she shared a room with three different ladies during her stay—one of which coughed constantly. Plaintiff was informed by the fellow patient that she had TB.
28. With regards to the IV, Plaintiff had to have the IV changed several time a day due to her small, deep and thin veins. During the last two days at WHC, the Doctor from Kaiser stated that Plaintiff needed a PIC line and recommended that Plaintiff administer the antibiotics herself when she returns home. Plaintiff objected profusely to administering the antibiotics on her own. Reluctantly, Kaiser agreed to allow a nurse to come to Plaintiff's home.
29. 8/6/2011 – 8/11/2011

Plaintiff was forced to stay at home. As an outpatient, a nurse came daily to administer the drugs through the PIC line. During this time, Plaintiff also began to take two oral antibiotics and Plaintiff was forced to miss work for another 3 weeks. Since that time, Plaintiff complained to Kaiser about the continuous stinging feeling in her right foot and she began to experience nerve pain and numbness on the left side of her body. Throughout this ordeal, Plaintiff not only missed work, but fell behind on all of her EEO cases.

30. Several of Plaintiff's friends, who visited her during her WHC hospital stay, are prepared to testify to the deplorable conditions at WHC.

31. Defendants Heidi R. Crismon, M.D., KAISER FOUNDATION HEALTH PLAN OF THE MID-ATLANTIC STATES, INC. et al., MID-ATLANTIC PERMANENTE MEDICAL GROUP, Inc. et al, and MEDSTAR WASHINGTON HOSPITAL CENTER, et al, individually and/or through their respective employees and/or real, apparent and ostensible agents, were negligent, including, but not limited to the following particulars:

- a. Failure to perform appropriate and timely evaluations;
- b. Failure to timely recognize, appreciate, diagnose and treat signs and symptoms of an actual severe disease;
- c. Failure to timely and aggressively treat and admit Plaintiff to the hospital;
- d. Failure to timely act upon changes in Plaintiff's condition when the antibiotics proved ineffective prior to being admitted;
- e. Failure to act on the advice of ID Dr. Charles Levy;
- f. Failure to admit Plaintiff into the hospital immediately; instead chose to wait 3 days before admitting her despite knowing that the antibiotics were not working and the bacteria was spreading;
- g. Failure of WHC to monitor and appropriately protect Plaintiff from further infections, due to the unsanitary conditions of Plaintiff's hospital room;
- h. Failure of WHC to provide the appropriate standard of care necessary during her WHC stay;
- i. Failure of WHC to assist Plaintiff in maintaining a sterile environment during her 5 day stay at WHC;

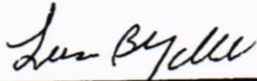
The defendants were otherwise negligent;

j. Plaintiff also relies upon *res ipsa loquitur* ad lack of informed consent;

32. As a direct result and proximate cause of the aforesaid negligence of the defendants, Plaintiff Leisa Bush-Yillah suffered serious, permanent and disabling injuries and damage to her body, including but not limited to physical pain, speech impairment, problems with her gait, mental anguish, humiliation, inconvenience, discomfort, other related disabilities, which have in the past necessitated, and in the future necessitate inability to perform on her job. As a further proximate result of the negligence of said defendants, Plaintiff has been diagnosed with Parkinsons Disease, the symptoms and signs developed after her hospitalization, and has suffered a loss of future earnings and earning capacity and the ability to lead a normal life. As

a further proximate result of negligence of said defendants, Plaintiff has in the past, and will in the future, experience pain, suffering, mental anguish, emotional and psychological injury and distress, due to the Parkinsons disease, all of which are permanent.

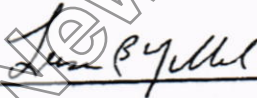
WHEREFORE, Plaintiff Leisa Bush-Yillah demands judgment against defendants Heidi R. Crismon, M.D., KAISER FOUNDATION HEALTH PLAN OF THE MID-ATANTIC STATES, INC. et al., MID-ATLANTIC PERMANENTE MEDICAL GROUP. Inc. et.al, and MEDSTAR WASHINGTON HOSPITAL CENTER, et al, jointly and severally, in the full sum of Two Million Dollars (\$5,000,000.00), plus costs and interest.



LEISA BUSH-YILLAH

REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury as to all issues so triable.



LEISA BUSH-YILLAH