

WRONGFUL DEATH**Hospital — Medical Malpractice — Failure to Monitor****Decedent should have been placed in ICU: plaintiffs**

VERDICT	Defense
CASE	Linda Craig and Edna Elkins v. San Dimas Community Hospital, Hasmukh Joshi, M.D., et al, No. KC 038345
COURT	Superior Court of Los Angeles County, East Los Angeles, CA
JUDGE	Dan T. Oki
DATE	11/9/2006
PLAINTIFF ATTORNEY(S)	Debra L. Koven, Law Offices of Debra L. Koven, Los Angeles, CA
DEFENSE ATTORNEY(S)	Raymond L. Blessey, Taylor Blessey LLP, Los Angeles, CA (Hasmukh Joshi, M.D.) Taylor Blessey, Taylor Blessey, LLP, Los Angeles, CA (Hasmukh Joshi, M.D.)

FACTS & ALLEGATIONS On May 15, 2001, plaintiffs' decedent Carl Elkins, 76, was admitted to San Dimas Community Hospital by Jhassan K. Roumani with a diagnosis of renal carcinoma. The following day, Roumani performed a right radical

nephrectomy. There were no complications during the surgery which concluded at approximately 10:25 a.m. Defendant Hasmukh Joshi, a board certified anesthesiologist, performed the anesthesiology.

During the surgery, Roumani expressed a desire to admit Elkins to the ICU following discharge from the recovery room, although Elkins met none of the hospital's criteria for such an admission. The hospital's perioperative supervisor advised all the patient's physicians via intercom during the surgery that no bed was available in the ICU. A bed in the Direct Observation Unit (DOU) was offered as an alternative. Roumani delegated the decision as to post-recovery placement to the anesthesiologist, Joshi, who agreed the patient could be transferred to the DOU following discharge from the recovery room.

In the recovery room following the procedure, Elkins was stable as to heart rate, blood pressure, respirations, level of consciousness and hemodynamics. Upon meeting the hospital's criteria for transfer from the recovery room, Elkins was transferred to the hospital's DOU at approximately noon.

Joshi's responsibility for the care of the patient ended at the time of his transfer to the DOU. The surgeon, Roumani, was responsible for the patient's care once he was received in the DOU.

At approximately 4:10 p.m., a Code Blue was called and an emergency room physician responded to the DOU and provided care to the patient. Resuscitation efforts were unsuccessful and Elkins was pronounced dead at 4:26 p.m., May 16, 2001. The death certificate listed the cause of death as pulmonary embolism.

On behalf of Elkins, plaintiffs Linda Craig and Edna Elkins sued Joshi and the San Dimas Community Hospital for medical malpractice and wrongful death.

Plaintiffs claimed that their decedent would not have died if he had been in the ICU rather than the DOU.

The defense counsel contended that Elkins died of a massive pulmonary embolism and that he would have died regardless of the timing of the onset of resuscitation efforts. The clinical findings on the decedent at the time of the arrest were inconsistent with a myocardial infarction.

Defendant Joshi also contended that his care of the decedent complied in all particulars with the standard of care applicable to him as a board certified anesthesiologist.

Roger F. Donenfeld, plaintiffs' expert anesthesiologist, testified that Joshi fell below the standard of care by failing to examine Elkins in the recovery room after he was unable to maintain an oxygen saturation greater than 92% on room air and in failing to ensure there was adequate monitoring in the DOU. Donenfeld theorized that the cause of death was a myocardial infarction which could have been prevented if he had been adequately monitored.

Donenfeld was impeached as to the claimed cause of death. On cross examination, it was established that his opinions were based on incorrect assumptions and he admitted to several misstatements in his direct testimony.

Defense expert witness, Richard Ruffalo, a board certified anesthesiologist, established that Donenfeld's opinions had no

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foundation in the decedent's medical records. Ruffalo detailed the decedent's risk factors for formation of clots in his leg veins based on his medical history. Ruffalo testified that, based on the objective data at the time of decedent's arrest, it was more likely than not that Elkins had suffered a massive pulmonary embolism. Ruffalo also noted that both the coroner's office and Roumani supported his conclusion as to the cause of death.

INJURIES/DAMAGES Plaintiffs sought undisclosed damages for medical bills and pain and suffering.

RESULT A defense verdict was rendered to both defendants.

OFFER Joshi served a Code of Civil Procedure Section 998 offer of a waiver of costs in exchange for a dismissal.

TRIAL DETAILS Trial Length: 7 days
Jury Vote:
12-0 as to standard of care to Joshi
9-2, 1-abstained to causation to San Dimas Community Hospital

**PLAINTIFF
EXPERT(S)** Dr. Roger F. Donenfeld, anesthesiology,
Los Angeles, CA
Dr. Harold L. Karpman, cardiology,
Beverly Hills, CA

**DEFENSE
EXPERT(S)** Richard Ruffalo, anesthesiology,
Corona Del Mar, CA

-Michael Rehak