

VERDICTS & SETTLEMENTS

FRIDAY, NOVEMBER 18, 2011

PERSONAL INJURY

Medical Malpractice

Wrongful Death, Suicide

ARBITRATION: Respondents.

CASE: Sasha S., a minor by and through her Guardian ad Litem Shanna S.; David S.; Joseph S.; Kathryn S. v. Kaiser Foundation Health Plans Inc.; Kaiser Foundation Hospitals; Southern California Permanente Medical Group.

COURT/DATE: ADR / Aug. 10, 2011.

ATTORNEYS: Claimant — Tera A. Harden (Law Offices of Brian C. Percy, Riverside) for David S., Joseph S., Kathryn S.; Patricia A. Law (Law Offices of Patricia A. Law, Riverside) for Sasha S.

Respondent — N. Denise Taylor (Taylor Blessey, LLP, Los Angeles).

MEDICAL EXPERTS: Claimant — Mace Beckson, M.D., forensic psychiatry/addiction specialist, Los Angeles.

Respondent — Lester Zackler, M.D., neuropsychiatry, Sherman Oaks.

FACTS: This was a wrongful death case brought by minor claimant Sasha S., by and through her mother and Guardian ad Litem, Shanna S. and decedent's three adult children

David, Joseph and Kathryn, with respect to the death by suicide of their father, Mark S., 50. Decedent suffered depression when his wife, Shanna S. left him, and as a result of his minor daughter's developmental disabilities, alleged to be the result of the respondent's negligence (and the subject of another action).

Decedent began psychiatric treatment for depression with the respondents on March 3, 2006 and continued off and on until he committed suicide on Dec. 19, 2007.

CLAIMANT'S CONTENTIONS: Claimants contended that decedent was not properly monitored and followed by his mental health professionals, particularly after a suicide attempt; was turned away from Kaiser for a psychiatric admission for ECT therapy during the week prior to his suicide; and was prescribed Effexor that increased his suicidal ideation, all of which caused or contributed to his death by suicide.

RESPONDENT'S CONTENTIONS: Respondents contended that all of the care and treatment provided to decedent by the respondents' agents and employees, including his psychiatrists and therapists was within the standard of care and did not cause or contribute to the suicide of decedent.

SETTLEMENT DISCUSSIONS: Claimants demanded \$500,000. Respondents made no offer.

RESULT: For respondents.

EXPERT TESTIMONY: Mace Beckson, M.D., testified that it was below the standard of care to prescribe Effexor to a patient with a prior suicide attempt, and that the Effexor increased the patient's risk of suicidality. Alleged that the monitoring of the patient by his psychiatrist and therapist, both employees of the respondent, was negligent and that they were not aware of or did not appreciate the significance of the patient's prior suicide attempt. Alleged that the patient should have been hospitalized when he requested hospitalization for ECT (electroconvulsive therapy) and that instead, when the patient presented to the hospital, he was turned away. As a result, he felt he had no options and committed suicide.

Lester Zackler, M.D., testified that Effexor was an appropriate treatment choice, and it does not cause suicidal ideation. Further, the decedent was offered psychiatry appointments and counseling sessions but chose not to attend on a regular basis. The patient was non-compliant in his treatment, and denied suicidal ideation. The patient was referred for ECT evaluation when he requested it, but failed to go to the hospital on the appointed date, and failed to follow-up with his mental health care professionals thereafter, instead deciding to end his life by suicide.

FILING DATE: Jan. 2009.