

Douglas L. Field
19712 Windwood Dr.
Woodbridge, California 95258
(209) 366-2925 Office
(209) 603-1513 Cell
email: dougofield@gmail.com

March 16, 2017

Re: Kaiser Foundation Health Plan, Inc. v.
Arbitration Number: 14602

Dear Messrs

Arbitration was conducted in this matter today, Thursday, March 16, 2017, at 9:30 am, at 2603 Camino Ramon, Suite 200, San Ramon, California 94583.

Claimant Kaiser Foundation Health Plan, Inc., appeared and was represented by . Respondent failed to appear. Correspondence to the Respondent during the pendency of this matter has all been returned to me as undeliverable. Initially, calls to his number rang through without being answered, but later there was a message that his line had been disconnected.

Attached is my signed Arbitration Award. My findings of fact and conclusions of law as follow:

March 16, 2017

Page 2

1. As of October 23, 2013, Respondent was a member of the Kaiser Foundation Health Plan (hereinafter "Kaiser") and was bound by the terms and conditions of membership in the plan.
2. On October 23, 2016, Respondent became involved in a motor vehicle accident and sustained injuries for which, on that date and subsequently, he was treated by Kaiser.
3. Respondent submitted a claim for personal injuries arising out of said accident against . They were insured by Respondent reached a settlement with in the sum of \$100,000.00 which settlement amount was paid to Respondent by on April 15, 2015.
4. Kaiser claimed a lien for reimbursement of medical benefits provided. Its lien has never been satisfied.
5. Pursuant to the terms and conditions of the agreement between it and Respondent, Kaiser is entitled to reimbursement out of Respondent's settlement of capitated benefits extended.
6. CCP Section 3040 (2) allows Kaiser to recover an amount equal to 80 percent of the usual and customary charge for the same services by medical providers that provide health care services on a noncapitated basis in the geographic region in which the services were rendered.
7. Kaiser extended to Respondent medical benefits with a capitated value of \$20,545.38.
8. Kaiser is allowed to recover 80 percent of that amount or \$16,436.06.
9. Judgment is in favor of Kaiser in the sum of \$16,436.06.

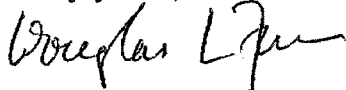
Nothing in this arbitration decision prohibits enrollee from discussing the underlying facts, results, terms and conditions of this decision to the Department of Managed Health Care.

March 16, 2017

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If you have any questions, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Douglas L. Field". The signature is written in a cursive style with a large, sweeping initial "D".

DOUGLAS L. FIELD

DLF/lfg

Cc: Office of the Independent Administrator

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, State Bar No.
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Telephone:
Facsimile:
Attorneys for Respondent

IN THE MATTER OF THE ARBITRATION OF

Arbitration No. 14272

Claimant,

v.

Respondent.

~~PROPOSED~~ ORDER GRANTING
RESPONDENT
MOTION FOR
SUMMARY JUDGMENT

Date: July 19, 2017
Time: 2:00 p.m.
Location: Telephonic
Arbitrator: Douglas L. Field

Respondent 's (hereinafter " " or
"Respondent") Motion for Summary Judgment came on regularly for telephonic hearing on July
19, 2017 at 2:00 p.m. before Neutral Arbitrator Douglas L. Field. Respondent was represented
by , Esq. of ; Claimant was represented by
, Esq. of the

Upon consideration of the documents submitted in this matter, the presentations by
counsel at the hearing, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. Respondent's Motion for Summary Judgment is **GRANTED**. This medical
negligence action is barred by the statute of limitations set forth in California Code of Civil
Procedure §340.5. As such, the claim lacks merit and Respondent is entitled to judgment as a
matter of law.

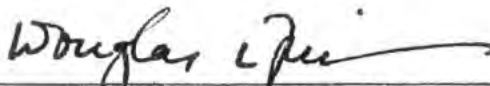
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2. Claimant's entire action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

Nothing in this arbitration decision prohibits or restricts the enrollee from discussing or reporting the underlying facts, results, terms or conditions of this decision to the Department of Managed Health Care.

DATED: July 22, 2017



DOUGLAS L. FIELD, ESQ.

APPROVED AS TO FORM

Counsel for Claimant

Douglas L. Field
19712 Windwood Dr.
Woodbridge, California 95258
(209) 366-2925 Office
(209) 603-1513 Cell
email: dougofield@gmail.com

July 22, 2017


Re: v
Arbitration Number: 14274

Dear Messrs and and Ms. :

Enclosed please find a copy of my signed Order Granting Respondent
Motion for Summary Judgment. I have not
received Mr. approval as to form so I have gone ahead and signed the order
without it.

If you have any questions, please feel free to call or email.

Very truly yours,


DOUGLAS L. FIELD
DLF/llg

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(State Bar No.)

Telephone:
Facsimile:

Attorneys for Respondents

ARBITRATION

IN THE MATTER OF ARBITRATION
BETWEEN:

Claimant,

vs.

Respondents.

~~PROPOSED~~ ORDER GRANTING
SUMMARY JUDGMENT AND
ENTERING JUDGMENT IN FAVOR OF
RESPONDENTS

Date: November 6, 2017
Time: 10:00 a.m.
Telephonic: Arbitrator to initiate call
Arbitrator: Douglas L. Field, Esq.

The Motion for Summary Judgment brought by respondents,

, came on regularly for hearing on November 1, 2017, before

, Esq.

Respondents and moving parties,

., and

were represented by , Esq., of

: Claimant was in pro per.

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On proof having been made to the satisfaction of the court and good cause appearing therefor:

IT IS HEREBY ORDERED that Summary Judgment is granted in favor of respondents, _____, and _____

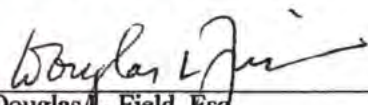
No triable issues of material fact exist upon which to establish claimant's Cause of Action for professional medical negligence.

IT IS FURTHER ORDERED that Judgment is entered in favor of respondents _____, and _____

_____, and against claimant _____ in this matter, and respondents _____, and _____ are awarded their costs of suit.

Nothing in this arbitration decision prohibits or restricts the enrollee from discussing or reporting the underlying facts, results, terms and conditions of this decision to the Department of Managed Health Care.

Dated: December 22, 2017



Douglas L. Field, Esq.
Arbitrator

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(SBN)
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Telephone:
Facsimile:
Attorneys for Respondent,

IN THE MATTER OF THE ARBITRATION OF

Claimant,

v.

Respondent.

ARBITRATION NO. 14788
ORDER AND JUDGMENT IN FAVOR
OF RESPONDENT

Arbitrator: Douglas L. Field, Esq.

On January 2, 2018, the Demurrer of Respondent to the Demand for Arbitration came on regularly for hearing by telephone. The Arbitrator, having read the moving papers and heard argument, sustained the Demurrer and gave the Claimant 30 days to amend. The time to amend expired on February 1, 2018. Claimant failed to amend the Demand for Arbitration.

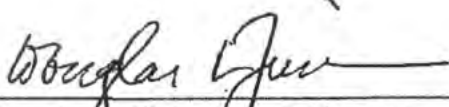
It is hereby ordered that Claimant's Demand for Arbitration is dismissed with prejudice.

It is further ordered, adjudged and decreed that judgment be entered in favor of Respondent and against Claimant

JUDGMENT IS SO ENTERED.

Nothing in this arbitration decision prohibits or restricts the enrollee from discussing or reporting the underlying facts, results, terms and conditions of this decision to the Department of Managed Health Care.

Dated: 14 Feb, 2018



Douglas L. Field, Esq., Arbitrator

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(SBN)
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Telephone:
Facsimile:

Attorneys for Respondents

and

IN THE MATTER OF THE ARBITRATION OF

Claimant,

v.

, and

Respondents.

ARBITRATION NO.

**[PROPOSED] ORDER GRANDING
RESPONDENTS' MOTION FOR
SUMMARY JUDGMENT**

**Date: June 20, 2018
Time: 10:00 am
Dial-In: 800-861-4084
Code: 6947361585
Arb. Dates: September 25-27, 2018
Arbitrator: Douglas Field, Esq.**

The Motion for Summary Judgment, filed on behalf of

and

(collectively hereinafter "Respondents"), came on for hearing on June

20, 2018, in front of , Esq. from appeared on behalf of

respondents, and claimant did not appear.

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1 After full consideration of all evidence, respondent's separate statement, the pleadings and
2 authority submitted in support of the motion, and the absence of an opposition by claimant to the
3 motion, the Arbitrator found that there is not triable issue of material fact in this action, and that
4 Respondents are entitled to summary judgment as a matter of law as to claimant's allegations, for
5 the following reason: Claimant was not injured as a result of the conduct of Respondents. More
6 specifically:

7 1. Claimant alleges that Respondent's surgeons negligently performed a
8 cholecystectomy on or about May 17, 2016 at _____, which caused
9 complications. Claimant alleges the complications delayed his healing, that he lost time off work,
10 that he suffers from "major depression", and has sought help for his psychological difficulties.
11 These facts are supported by claimant's _____ medical records, the Declaration of _____
12 at paragraph 4, and Claimant's Demand for Arbitration.

13 2. On January 13, 2016, Claimant had a telephone appointment with his primary care
14 physician, _____, MD, who noted the claimant had abdominal symptoms from gallstones.
15 Previously, as noted, claimant was offered surgery, which he declined. On this visit, he asked for a
16 referral to surgery. These facts are supported by claimant's _____ medical records, and the
17 Declaration of _____ at paragraph 13.

18 3. On February 3, 2016, claimant was scheduled for a laparoscopic cholecystectomy on
19 March 31, 2016. These facts are supported by claimant's _____ medical records, and the
20 Declaration of _____ at paragraph 16.

21 4. On March 31, 2016, after signing a written informed consent form to undergo a
22 laparoscopic cholecystectomy, claimant underwent the surgery. Claimant was advised of the risks
23 of the surgery, including the risk of "need[ing] ... an open procedure". During the surgery, a mass
24 within the gallbladder was found. The findings raised suspicion for gallbladder cancer. Therefore,
25 the physician decided to abort the surgery to perform additional work-up. These facts are supported
26 by claimant's _____ medical records, and the Declaration of _____ at paragraph 18.

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1 July 1988 to June 1990, Dr. _____ completed two years of a residency in pediatrics at Oregon
2 Health Sciences University. From July 1990 to June 1999, Dr. _____ completed a residency in
3 surgery at _____ in Stanford, California. From July 1992 to June
4 1996, Dr. _____ surgical residency was focused on research. Dr. _____' past professional
5 activities include serving as the Director of Surgical Education in the Department of Surgery at
6 _____ (2000 to 2007); the Site Director of the Surgery 300A Medical
7 Student Clerkship at _____ (2000 to 2007); and the Director of
8 Pediatric Trauma in the Department of Surgery at _____ (2001 to
9 2007). In addition, from 1999 to 2006, Dr. _____ was a Staff Surgeon in the Department of
10 Surgery at _____; and a Clinical Instructor in the Department of
11 Surgery at _____, Dr. _____ current professional activities
12 include serving as the Chairman of the Department of Surgery at
13 (March 2007 to present) and as a Clinical Associate Professor (Affiliated) in the Department of
14 Surgery at _____ (2010 to present). These facts are supported by
15 the Declaration of _____ at paragraph 1.

16 14. Based upon his education, training, experience and qualifications, Dr. _____ is
17 familiar with the appropriate standard of care in the medical community for a general surgeon
18 practicing under circumstances similar to those encountered in this case. These facts are supported
19 by the Declaration of _____ at paragraph 3.

20 15. Dr. _____ has reviewed claimant's _____ medical records to formulate his
21 opinions. These facts are supported by the Declaration of _____ at paragraph 5.

22 16. Based upon his education, training, and experience, and his review of claimant's
23 medical records, Dr. _____ holds the opinion to a reasonable medical probability that all of the
24 medical care and treatment that claimant received from Respondents, including the surgical care on
25 March 31, 2016 by _____, M.D. (the initial cholecystectomy) and the surgical care on
26 May 17, 2016 by _____, M.D. (the further diagnostic laparoscopic open
27 cholecystectomy) complied with the applicable standard of care. It is Dr. _____ opinion that
28 identification of a gallbladder mass, as occurred here on March 31, 2016, warranted surgical

1 removal to rule out cancer. In addition, Dr. _____ declares that bleeding is a known and accepted
2 risk of surgery, and it is his opinion that Dr. _____ appropriately informed claimant of this risk
3 and claimant consented to undergo the procedure. These facts are supported by the Declaration of
4 _____ at paragraph 36.

5 17. Dr. _____ holds the opinion that claimant was appropriately consented for a
6 laparoscopic exploration, which was appropriately converted to an open procedure when Dr.
7 _____ noted difficulty in being able to definitely identify important anatomical structures. Dr.
8 _____ further declares that the identification of postoperative bleeding was timely and
9 reexploration was warranted to control the bleeding. It is Dr. _____ opinion that Dr. _____ at all
10 times complied with the standard of care. These facts are supported by the Declaration of
11 _____ at paragraph 37.

12 18. It is also Dr. _____ opinion to a reasonable medical probability that no act or
13 omission by Respondents, their agents, physicians, or surgeons, including Dr. _____ or Dr.
14 _____, caused claimant any harm, or caused his claimed injuries or damages in this action.
15 Claimant alleges that his psychiatric treatment resulted from acts and omissions by Respondents,
16 but Dr. _____ holds the opinion that one cannot state with reasonable medical probability that his
17 claimed injury and treatment resulted from any alleged negligent act or omission by Respondents or
18 their agents. These facts are supported by the Declaration of _____ at paragraph 38.

19 19. In summary, it is Dr. _____ opinion to a reasonable degree of medical probability
20 that Respondents and their agents, physicians, and surgeons, including _____, M.D. and
21 _____, M.D., met the applicable standard of care during, preceding, and following the
22 March 31, 2016 surgery as well as the May 17, 2016 surgery, during which claimant's gallstones
23 and gallbladder tumor were appropriately treated, and that no act or omission by Respondents or
24 their agents caused claimant any harm, injuries, or damages. These facts are supported by the
25 Declaration of _____ at paragraph 39.

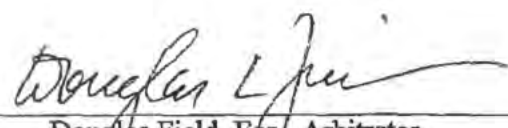
26 **IT IS HEREBY ORDERED** that Respondents' Motion be, and hereby is, granted and
27 Judgment is entered for Respondents.

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1 **Nothing in this arbitration decision prohibits or restricts the enrollee from discussing**
2 **or reporting the underlying facts, results, terms and conditions of this decision to the**
3 **Department of Managed Health Care.**

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Dated: July 18, 2018



Douglas Field, Esq., Arbitrator