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IN THE MATTER OF ARBITRATION

ARBITRATION NO. 11509

ARBITRATION AWARD

Claimant,

v.

Respondents.

An arbitration hearing was held on April 26 – May 1, 2013.

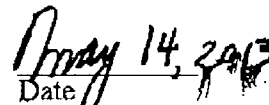
It is the decision of the Arbitrator that:

The Respondent is entitled to a finding of no liability.

The reasons for this decision are attached.

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.


Arbitrator


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IN THE MATTER OF ARBITRATION

Claimant,
v.
Respondents.

ARBITRATION NO. 11509
ARBITRATION AWARD
REASONS FOR DECISION

REASONS FOR DECISION

1. Because of her other medical conditions, the injuries which claimant suffered on January 9, 2011, were more serious than they would have been in a healthier individual and their treatment required balancing of the risks presented by the alternatives. Surgical intervention involved not only the usual risks of general anesthesia, but also the need to stop Coumadin administration, which would enhance the potential for heart attack or stroke in a patient with a variety of other underlying medical problems. Therefore, on the one hand it was appropriate to try to avoid surgery in managing claimant's care.
2. On the other hand, the existence of those underlying medical problems and the location of the injury created the potential for difficult or prolonged healing without surgery, particularly if an open wound developed.
3. All four expert witnesses were well qualified and, although in disagreement, offered opinions finding some level of support in the evidence. Dr. testified that respondents' care fell below the standard of care. Dr. , while expressing the opinion that Dr. care fell below the standard of care, testified that he would have preferred sooner involvement of a surgeon, that a referral to a surgeon on January 14 would have been optimal, that he would have preferred that a surgeon have been called to okay continued observation and that delaying

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ARBITRATION

ARBITRATION NO. 11718

ORDER

Claimant,
v.
Respondents.

Respondents' motion for summary judgment came on for telephonic hearing on June 28, 2013. , Esq. appeared for claimant and , Esq. appeared for respondents. After oral argument, the arbitrator rules as follows:

Respondents' motion for summary judgment is granted on the following grounds:

1. Respondents presented evidence that claimant's claim was barred by Code of Civil Procedure § 340.5 because claimant discovered, or should have discovered, that her injury was caused by wrong doing more than one year before commencement of her claim. There was evidence that, on numerous occasions after her surgery, claimant made statements attributing her complaints to the actions of respondents' personnel at her July 24, 2009 surgery and specifically to her surgical positioning. Claimant failed to produce any evidence showing any triable issue of material fact on that issue.

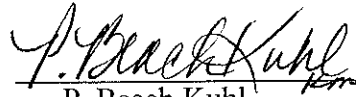
2. Respondents presented evidence by way of declarations of three expert medical witnesses that respondents' treatment of claimant was within the community standard of care. Claimant did not produce any admissible conflicting evidence raising a triable issue of fact.

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

Dated: July 19, 2013



P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 11646

ORDER RE MOTION FOR SUMMARY JUDGMENT

Claimants

v.

Respondents.

Respondents' motion for summary judgment came on for telephone hearing on August 27, 2013. appeared in propria persona. appeared for respondents.

Following oral argument, the arbitrator rules as follows:

The documents filed by claimant following the statutory deadline for such filings are hereby admitted and considered, good cause appearing therefor.

Respondents filed declarations under penalty of two medical experts, both of whom expressed the opinion that respondents did not breach the applicable standard of care in their treatment of claimant, decedent . Claimant filed no medical expert declaration contradicting the respondents' experts' opinions. Under California law, absent such a declaration, no issue of fact is created. Accordingly the motion for summary judgment as to the claim of medical malpractice must be granted.

Claimant's filings appear also to raise claims of murder and euthanasia. For such claims to be sustained, it would be necessary to present expert evidence of a deviation from the medical standard of care as to the decedent. No such expert evidence has been presented by claimant, so summary judgment must be granted as to such claims.

Therefore, it is hereby ordered that the respondents' motion for summary judgment is granted as to all claims of claimant. Each party shall bear its own costs.

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

4 Dated: September 3, 2013

P. Beach Kuhl

P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 11841

Claimants
v.

**ORDER RE MOTION FOR SUMMARY
JUDGMENT**

Respondents.


Oral argument on the motion of respondent for summary judgment was held by telephone on July 19, 2013. Claimant's request for further time to present opposition to the motion was granted. It was ordered that, if claimant did not file such opposition by September 3, 2013, the arbitrator would rule on the motion based upon the record then before him. No further opposition has been filed. It is now ordered as follows:

The motion for summary judgment is granted. Respondent has filed a declaration of an expert physician expressing the opinion that there was no breach of the applicable standard of care in the treatment of claimant . Claimant has not filed a declaration expressing an expert opinion that there was such a breach; therefore claimant has failed to establish the existence of a fact issue and, under California law, the motion must be and is granted.

Each party shall bear its own costs.

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: September 10, 2013



P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 12115

AMENDED ORDER

Claimants
v.
Respondents.


The motion for summary judgment by respondents was heard by telephone on March 21, 2014. appeared for respondents; there was no appearance for claimants. It is ordered as follows:

Respondents' motion for summary judgment is granted. Respondents have filed declarations of two physicians stating that respondents' conduct in treating claimants' decedent was within the standard of care. Claimants provided no contrary evidence. Therefore there is no triable issue regarding compliance with the applicable standard of care.

The claim is dismissed.

"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: March 28, 2014



P. Beach Kuhl
Arbitrator

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Attorneys for Respondent(s),

IN RE THE ARBITRATION BETWEEN:

Claimant(s),

vs.

Respondent(s).

**NOTICE OF AMENDED ORDER
GRANTING MOTION FOR
SUMMARY JUDGMENT**

TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that on March 28, 2014, the Motion for Summary Judgment of respondents, a non-profit corporation, a non-profit corporation, and a professional corporation, was granted pursuant to the neutral arbitrator's Amended Order dated March 28, 2014 which is attached hereto and marked as Exhibit "A".

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DATED: March 31, 2014.

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ARBITRATION

ARBITRATION NO. 12881

ORDER ON MOTION FOR SUMMARY JUDGMENT

Claimant,

v.

, et al.

Respondents.

The motion of respondents for summary judgment was heard by telephone on February 9, 2015. appeared for the respondents and moving party. appeared on behalf of claimant. After hearing, good cause appearing therefore, it is ordered as follows:

The motion of respondents for summary judgment is granted. The declaration of , M.D. provides evidence that the care provided by respondents to claimant was consistent with the applicable standard of care. Claimant provided no contrary evidence and in fact filed no opposition at all. Therefore the motion is granted.

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: February 19, 2015



P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 13618

ORDER

Claimant,

v.

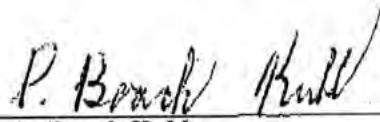
Respondents.

The motion of respondents for summary judgment was heard by telephone on January 11, 2016. Claimants appeared in propria persona and were assisted by _____ in translating the proceedings for them. _____ appeared for respondents.

Respondents submitted a declaration by _____, M.D. stating that he had reviewed medical records regarding the treatment rendered to claimants' decedent and that it was his opinion that the medical care provided him by respondents was appropriate, timely and within the standard of care. Claimants filed no opposition. Therefore, respondents' motion for summary judgment must be, and hereby is, granted.

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

Dated: January 11, 2016



P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 13495
ORDER RE MOTION FOR SUMMARY JUDGMENT

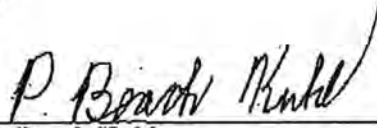
Claimant,
v.
Respondents.

The motion of respondents for summary judgment came on for hearing by telephone on August 8, 2016. , Esq. appeared for respondents. There was no appearance for claimant and no opposition filed on behalf of claimant.

Respondents supported their motion with declarations from three medical experts refuting claimant's assertions of negligence of respondents in failing to diagnose and treat endocarditis between January, 2014 and August 16, 2014 and failing to provide him a cardiac workup before August 14, 2014. Respondents also provided expert opinion that claimant's endocarditis was not caused by the lack of a cardiac workup at an earlier date. Claimant filed no contrary medical opinion. Consequently the motion for summary judgment must be granted and the case dismissed.

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: August 9, 2016



P. Beach Kuhl
Arbitrator

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ARBITRATION

Claimant,
v.
Respondents.

ARBITRATION NO. 13813

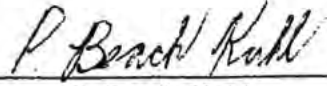
ORDER RE MOTION FOR SUMMARY JUDGMENT

Respondents' Motion for Summary Judgment came on for hearing on October 4, 2016 by telephone. _____, Esq. appeared on behalf of respondents. There was no appearance by or on behalf of claimant. Claimant filed no opposition to the motion. Respondents filed a declaration of _____, M.D. demonstrating the declarant's qualifications as a medical expert. Dr. _____ stated he had reviewed the records of claimant's medical treatment by respondents. He expressed the opinions that the injury sustained by claimant was a recognized but infrequent complication of the treatment provided claimant and that to a reasonable medical probability no negligent act or omission by respondents was a substantial factor in causing injury to claimant.

In the absence of any contrary evidence, the law requires that respondents' motion for summary judgment be granted.

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: October 5, 2016


P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 14107

ORDER

Claimant,

v.

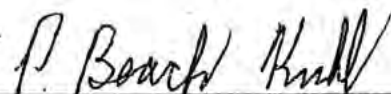
Respondents.

Respondent's motion for summary judgment was heard by telephone on August 11, 2017. Claimant appeared in propria persona; respondent appeared by _____, Esq. Respondent filed a declaration under penalty of perjury of _____, M.D. Claimant filed no written opposition to the motion.

Dr. _____ opined that the care provided to Claimant by respondent was within the standard of care and that the care provided by respondent to claimant did not cause claimant to suffer endocrine disease. The evidence submitted further demonstrated that Claimant's claim was barred by the applicable statute of limitations in that claimant failed to file his claim within one year of the date on which he suspected or should have suspected wrongdoing by respondent. Thus, the motion must be and is granted.

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: August 21, 2017



P. Beach Kuhl
Arbitrator

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ARBITRATION

ARBITRATION NO. 14821

Claimant,

v.

Respondents.

ORDER

No request for a hearing having been received, it is hereby ordered that this matter is dismissed because of claimant's failure to respond to discovery.

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 11, 2017

P. Beach Knoll