

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

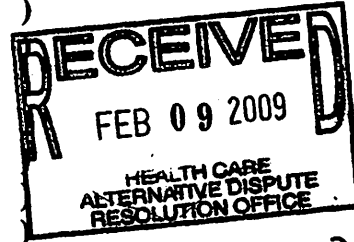
SAM HOUTSON THOMAS
as Legal Guardian of
DANETTE FULLER-THOMAS
2546 Arunah Ave
Baltimore, MD 21216

Plaintiff,

v.

MERIDIAN HEALTH INC.
d/b/a Catonsville Commons
16 Fusting Avenue
Catonsville, MD 21208

Defendant.



2009 · 062

Civil Case No. _____

STATEMENT OF CLAIM

COMES NOW plaintiff, Sam Houston Thomas as the Legal Guardian for his wife Danette Fuller-Thomas, by and through counsel, and brings this action against the defendant, Meridian Health Inc. d/b/a Catonsville Commons. In support of his Complaint, plaintiff avers as follows:

FACTS RELEVANT TO ALL COUNTS

1. The amount of this claim exceeds \$30,000.00.
2. The venue of this claim is proper in Baltimore County, the venue in which the acts complained of occurred.
3. The defendant, Meridian Health Inc. d/b/a Catonsville Commons provided care to the decedent at Catonsville Commons, a nursing home facility located at 16 Fusting Avenue, Catonsville, MD 21228.
4. This claim arises from negligent nursing home facility care provided by the defendant to Danette Fuller-Thomas, which was in breach of the applicable standards of care. The care the

defendant provided to Danette Fuller-Thomas that is at issue was provided from on or about June 23 to June 24, 2006.

5. Plaintiff, Sam Houston Thomas is the husband and legal guardian of Danette Fuller-Thomas..

6. At all times relevant hereto, the defendant, Meridian Health Inc. d/b/a Catonsville Commons (hereinafter "Catonsville Commons") agreed to provide medical care to Danette Fuller-Thomas and as such owed a duty to Danette Fuller-Thomas and plaintiff to exercise the degree of skill and care expected of a reasonably competent medical doctor in the same or similar circumstances.

7. At all times relevant hereto, the defendant, Catonsville Commons, agreed to provide inpatient medical and nursing home care to Danette Fuller-Thomas and as such owed a duty to Danette Fuller-Thomas to exercise the degree of skill and care expected of a reasonably competent nursing home in the same or similar circumstances.

8. On or about January 23, 2006 Catonsville Commons admitted Danette Fuller-Thomas into their nursing facility. At the time of Danette Fuller-Thomas's admission into Catonsville Commons, the defendant, was aware of, or should have been aware of Danette Fuller-Thomas's physical and mental condition.

COUNT I
(Negligence)

Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 8 of this Complaint, as if each allegation was fully set forth herein, incorporates each preceding allegation by reference, and further alleges as follows:

9. At all times relevant herein the defendant Catonsville Commons was aware, or should have been aware, that Danette Fuller-Thomas was dependent on assistance for activities of daily living.

10. The defendant had a duty to Danette Fuller-Thomas and plaintiff to provide Danette Fuller-Thomas medical care which would comply with the applicable standards for attending physicians and nursing centers.

11. The defendant owed Danette Fuller-Thomas and plaintiff a duty to provide Danette Fuller-Thomas with care in accord with the applicable standards of care and to properly monitor, assess, care plan, treat, maintain, protect, and Danette Fuller-Thomas from his various medical conditions and to preserve Danette Fuller-Thomas's quality of life. The defendant had a further duty to provide care in accord with the applicable standards of care in order to address Danette Fuller-Thomas's specific medical needs, was receiving all required medication and nutrition, was routinely and regularly maintained, assessed, and monitored, and that any, significant change in condition, or other disabling medical condition was promptly and properly care assessed, reported, and treated.

12. Throughout the course of his residency at the Catonsville Commons, Danette Fuller-Thomas was subjected to substandard medical care by the defendant. The incidents of medical care provided by the defendant to Danette Fuller-Thomas which breached the applicable standards of care included, but were not limited to the following:

- a. The defendant failed to properly care plan, assess, monitor, and treat Danette Fuller-Thomas's chronic health conditions.
- b. The defendant failed to ensure that Danette Fuller-Thomas's changes in condition were properly observed, assessed, monitored, reported to an appropriate physician, and treated.
- c. The defendant failed to provide treatments as ordered by the attending physician and/or to adequately document treatment provided.
- d. The defendant failed to follow accepted and standard medical and safety procedures.

- e. The defendant failed to ensure that Danette Fuller-Thomas was properly hydrated and nourished.
- f. The defendant failed to properly administered Novolin R into the Total Parenteral Nutrition (TPN) that was intravenously being administered to Danette Fuller-Thomas. This deviation includes insuring that the correct amount of Novolin R was mixed with the TPN.

13. As a direct and proximate result of the defendant's negligence, neglect, and multiple and repeated breaches of the applicable standards of care, Danette Fuller-Thomas was caused to suffer serious and permanent injuries and debilitating conditions, including, but not limited to, hypoglycemia, permanent brain damage, and the subsequent development of severe skin breakdown and pressure sores/decubitus ulcers, wound infections, severe dehydration and malnutrition, contractures, suffered great pain of mind and body, suffered mental and emotional distress, required extensive medical treatment, including, but not limited to, surgery and hospitalizations, incurred substantial medical and out-of-pocket expenses, will incur substantial future medical and out-of-pocket expenses, and other substantial related costs

WHEREFORE, plaintiff, Sam Thomas, as legal guardian of Danette Fuller-Thomas moves this Court for judgment against the defendant, Meridian Health Inc. d/b/a Catonsville Commons for amount in excess of the jurisdiction minimum any award to include compensation for Danette Fuller-Thomas' past and future medical expenses, mental anguish, pain and suffering, plus interest and costs of this action and any other appropriate relief.

Respectfully submitted,

JURY DEMAND

Plaintiff demands a trial by jury as to all issues raised herein.

CERTIFICATE OF GOOD STANDING

I hereby certify that I am a member in good standing of the Bar of the State of Maryland.