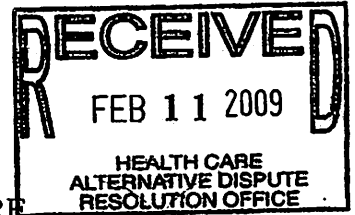


FILE



Maria Mitrakas
9505 Ash Hollow Place
Montgomery Village, MD 20886

* IN THE
* HEALTH CARE
* ALTERNATIVE DISPUTE
* RESOLUTION OFFICE
* OF MARYLAND
* HCA No.: 2009 · 066

Claimant,

v.

Jay M. Barnett, M.D.
2401 Research Blvd., Suite 260
Rockville, MD 20850

and

Laura LeBlanc, PA-C
2401 Research Blvd., Suite 260
Rockville, MD 20850

and

Greater Washington Dermatology, P.A.
2401 Research Blvd., Suite 260
Rockville, MD 20850

SERVE ON RESIDENT AGENT:
Jay M. Barnett, M.D.
2401 Research Blvd., Suite 260
Rockville, MD 20850

Health Care Providers.

* * * * *

STATEMENT OF CLAIM

Claimant, Maria Mitrakas, pursuant to the Health Care Malpractice Claims Act, Md.
Cts. & Jud. Proc. Code Ann. § 3-2A-01, *et seq.* (1976, 2006 Repl. Vol.), hereby sues Health

Care Providers, Jay M. Barnett, M.D., Laura LeBlanc, P.A.-C, and Greater Washington Dermatology, P.A.

JURISDICTION/VENUE

1. The Health Care Alternative Dispute Resolution Office (“HCADRO”) has jurisdiction over this matter pursuant to MD. Cts. & Jud. Proc. Code Ann § 3-2A-01, *et. seq.*
2. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00), exclusive of interests and costs.
3. The proper venue for this action is Montgomery County, Maryland.

PARTIES

4. Claimant, Maria Mitrakas, (“Claimant”) is a natural person and a resident of Maryland at 9505 Ash Hollow Place, Montgomery Village, MD, 20886.
5. Health Care Provider, Jay M. Barnett, M.D. (“Dr. Barnett”), is a physician licensed in the State of Maryland and doing business in the state of Maryland at 2401 research Blvd., Suite 260, Rockville, MD 20850.
6. Health Care Provider, Laura LeBanc, PA-C (“Ms. LeBlanc”), is a certified physician assistant licensed in the State of Maryland and doing business in the state of Maryland at 2401 research Blvd., Suite 260, Rockville, MD 20850.
7. Health Care Provider, Greater Washington Dermatology, P.A. (“Greater Washington”), is a corporation incorporated under the laws of Maryland and doing business in Montgomery County at 2401 research Blvd., Suite 260, Rockville, MD 20850.

FACTS COMMON TO ALL COUNTS

8. The Claimant, Maria Mitrakas, is a 20-year-old who resides at 9505 Ash Hollow Place, Montgomery Village, MD, 20886.

9. The Claimant was being treated by Dr. Barnett in 2003 for laser hair removal procedures. The Claimant was to undergo 5-6 scheduled hair removal procedures under the care of Dr. Barnett. On July 21, 2003, the Claimant presented to Dr. Barnett's office at Greater Washington for her fourth scheduled procedure.

Dr. Barnett had performed the first three procedures and Claimant fully expected him to perform the procedure on July 21, 2003. This fourth procedure was to be applied to Claimant's legs, including her inner thighs.

Dr. Barnett was unavailable to perform the fourth procedure, and Claimant was advised that Ms. LeBlanc would instead be conducting the laser hair removal. Ms. LeBlanc was unfamiliar with the heat settings on the required device, but proceeded to conduct the procedure anyway. The Claimant immediately advised Ms. LeBlanc that she was experiencing intense pain, and asked her to stop the procedure. It should be noted that Claimant's first three procedures were painless. Notwithstanding Claimant's complaints, Ms. LeBlanc continued with the hair removal and advised Claimant that she was "overreacting."

The procedure lasted for approximately 60 minutes. At the conclusion of the procedure, several areas on Claimant's legs, including the inner thighs, were noticeably red and brown. When she arrived home, the discolored areas on Claimant's legs began to bubble. The Claimant sought treatment at a local burn clinic and was treated with medications for over 18 months for second degree burns to her legs.

10. It is alleged that the standard of care required Health Care Provider, Laura LeBlanc, PA-C, to properly conduct the laser hair removal procedure, and upon evidence of skin discoloration, burning and intense pain, to discontinue the procedure, all of which she failed to do.

11. It is further alleged that the standard of care required Health Care Provider, Jay Barnett, M.D., to perform the scheduled hair removal procedure himself, or to supervise a health care provider licensed and appropriately trained to perform such a procedure, all of which he failed to do.

12. As a direct and proximate cause of the negligence of these Health Care Providers, the Claimant has in the past, is presently, and will in the future suffer recurring wound treatment, as well as embarrassment and humiliation due to her scarring.

13. As a direct and proximate result of the negligence of these Health Care Providers and each of them, the Claimant, Maria Mitakas, has suffered and will continue to suffer unending physical pain, emotional anguish and severe and permanent disability as is more fully described herein below.

a. The Claimant endured severe and intense pain for almost three weeks following the procedure;

b. The Claimant has been left with visible scars on both legs that have been slowly healing for over 5 years; and

c. The Claimant has been required to seek consultation from various medical specialists and incur the costs associated with those consultations and the treatments resulting therefrom;

COUNT I
(NEGLIGENCE)

14. The Claimant incorporates in this Count those facts set forth in paragraphs 1 through 13, hereinabove, including subparagraphs, by reference thereto, as if fully set forth herein.

15. At all times of which the Claimant complains, the Health Care Providers represented to the Claimant and the public that she/they possessed the degree of skill, knowledge and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances and those involving the Claimant.

16. The Claimant alleges that Health Care Providers Laura LeBlanc, PA-C, Jay M. Barnett, M.D., and Greater Washington Dermatology, P.A., including their duly authorized agents and/or employees, owed to the Claimant the duty to exercise reasonable care, skill and judgment expected of a competent medical practitioner acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Claimant's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Claimant, continuous evaluation of the Claimant's condition and the effects of such treatment, and adjustment of the course of treatment in response to such ongoing surveillance and evaluation -- all of which the Health Care Providers failed to do.

17. Health Care Provider Laura LeBlanc, PA-C was negligent in her care and treatment of Maria Mitrakas by breaching the standard of care in the following ways:

- a. Failing to appropriately perform the laser hair removal procedure on July 21, 2003.
- b. Failing to seek assistance from Dr. Barnett or another qualified and trained health care provider in order to perform the procedure.
- c. Failing to abort the procedure upon evidence of skin discoloration, burning and intense pain.

d. In other ways departing from the applicable standards of care.

18. Health Care Provider Jay Barnett, M.D. was negligent in his care and treatment of Maria Mitrakas by breaching the standard of care in the following ways:

a. Failing to perform the scheduled hair removal procedure himself.

b. Permitting Laura LeBlanc, PA-C to provide medical care to the Claimant without sufficient training, experience and/or understanding of the anatomy involved, without taking the precautions and actions necessary to prevent severe injuries to one of his patients, Maria Mitrakas;

c. Failing to supervise Laura LeBlanc PA-C during her performance of the procedure.

d. In other ways departing from the applicable standards of care.

19. The Claimant alleges that Health Care Provider, Greater Washington Dermatology, P.A., through its agents, servants and employees, was negligent in its treatment of the Claimant in the following ways:

a. Failing to adequately train, and/or permitting Health Care Provider, Laura LeBlanc PA-C, to provide substandard care;

b. Permitting Laura LeBlanc PA-C to provide medical care to the Claimant without sufficient training, experience and/or understanding of the anatomy involved, without taking the precautions and actions necessary to prevent severe and life threatening injuries to one of its patients, Maria Mitrakas;

c. In other ways departing from the applicable standards of care.

d. Greater Washington Dermatology, P.A. is responsible for the actions of Laura LeBlanc PA-C by virtue of the doctrine of *respondeat superior*.

20. It is alleged that the Claimant has in the past, is presently and will in the future continue to suffer excruciating physical pain, emotional anguish, fear, anxiety, humiliation and embarrassment over her condition. She has lost her former state of emotional and physical well-being, is unable to engage in activities which he has enjoyed previously, and has sustained serious and permanent disability.

21. Further, it is alleged that the Claimant has in the past, is presently and will in the future continue to incur hospital, surgical, physiotherapeutic, pharmacological, nursing, custodial and other losses and expenses for which claim is made.

22. The Claimant refers to the negligence of these Health Care Providers and each of them as the sole and proximate cause of all of the injuries, damages and permanent disability which she has sustained, with the Claimant being in no way contributorily negligent.

WHEREFORE, the Claimant, Maria Mitrakas, demands judgment against Health Care Provider(s) Jay Barnett, M.D., Laura LeBlanc, PA-C, and Greater Washington Dermatology, P.A. for actual, general, special and compensatory damages in an amount exceeding Thirty Thousand Dollars (\$30,000.00), exclusive of interests and costs, and any other legal or equitable relief as justice requires.



Maria Mitrakas
9505 Ash Hollow Place
Montgomery Village, MD 20886
Claimant