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RESOLUTION OFFICE
ALTERNATIVE DISPUTE
HEALTH CARE

5010-402

5601 Loch Raven Blvd
Baltimore, MD

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Dr. Andrew Rodgers
201 East University Parkway
Baltimore, MD 21218

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DEFENDANTS

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COMPLAINT AND PRAYER FOR JURY TRIAL

Plaintiff, Donna Kelly, by her attorneys

, bring this action against the Defendants, Good Samaritan Hospital, Jerald Insel, MD, Kalathil Sashidharan, MD, Niosha Razi, MD, Shahin Korangy, MD, Rita E. King, MD, Kathleen D. Keefe, MD, Andrew Rodgers, MD and other healthcare providers not yet identified providing treatment to Donna Kelly at Good Samaritan Hospital:

1. Plaintiff, Donna Kelly is a resident of Baltimore County, Maryland.
2. Defendant, Good Samaritan Hospital headquarters is located in Baltimore City, Maryland.
3. Defendant, Dr. Jerald Insel is a licensed physician practicing medicine in Baltimore City, Maryland.
4. Defendant, Dr. Kalathil Sashidharan is a licensed physician practicing medicine in Baltimore City, Maryland.
5. Defendant, Dr. Niosha Razi is a licensed physician practicing medicine in Baltimore City, Maryland.

6. Defendant, Dr. Shahin Korangy is a licensed physician practicing medicine in Baltimore City, Maryland.
7. Defendant, Dr. Rita E. King is a licensed physician practicing medicine in Baltimore City, Maryland.
8. Defendant, Dr. Kathleen D. Keefe is a licensed physician practicing medicine in Baltimore City, Maryland.
9. Defendant, Dr. Andrew Rodgers is a licensed physician practicing medicine in Baltimore City, Maryland.
10. The amount of this claim exceeds Twenty-Five Thousand Dollars (\$25,000).
11. The venue for this claim is proper in Baltimore City, Maryland.

FACTUAL BACKGROUND

12. On August 1, 2007, Donna Kelly was admitted to Good Samaritan Hospital Emergency Room with complaints of chest pain.
13. On August 1, 2007 Dr. Jerald Insel was identified as Ms. Kelly's admitting, attending, and referring physician.
14. On August 1, 2007, Dr. Kalathil Shashidharan ordered a Chest X-ray and CT scan of Ms. Kelly.
15. On August 1, 2007, Dr. Shahin Korangy read the results of the chest x-ray and prepared a report. Dr. Shahin Korangy found nothing abnormal in the chest x-ray.
16. On August 2, 2007, Dr. Niosha Razi read the results of the CT scan and prepared a report. This report stated that there was a "soft tissue mass identified in the upper left lung...measuring 1.7 x 1.6 cm. This was not seen on patient's previous examination;

however this area was previously obscured by large left pleural effusion.” Dr. Niosha Razi recommended a dedicated CT scan of the chest and “[c]orrelation with follow-up PET/CT scan”.

17. On August 2, 2007, Donna Kelly was discharged from Good Samaritan Hospital without being informed of the mass identified in her CT scan by Dr. Niosha Razi. In addition, no healthcare professional at Good Samaritan Hospital acted on the recommendations of Dr. Niosha Razi, and Donna Kelly was not given a follow-up PET/CT scan.
18. On September 8, 2007, Ms. Kelly was admitted to Good Samaritan Hospital’s emergency room with complaints of chest pain.
19. On September 8, 2007, Dr. Rita E. King was the admitting and attending physician for Donna Kelly.
20. On September 8, 2007, Dr. Kathleen D. Keefe ordered a chest x-ray of Donna Kelly.
21. On September 8, 2007, Dr. Vivek Prabhakaran read the results of Ms. Kelly’s chest x-ray. Dr. Vivek Prabhakaran stated that “visualized lung fields appear unremarkable.
22. On September 8, 2007, despite the fact that Donna Kelly had been admitted for chest pain just over one month ago and was given a CT scan, none of the healthcare professionals at Good Samaritan Hospital reviewed the results Ms. Kelly’s August 1, 2007 CT scan, and the results of this CT scan were not compared to her x-ray.
23. On September 8, 2007, despite the fact that Donna Kelly had been admitted for chest pain just over one month ago and was given a CT scan that recommended a follow-up

PET/CT scan, no healthcare professional at Good Samaritan Hospital ordered a CT scan for comparison purposes.

24. On September 8, 2007, Ms. Kelly was discharged without being informed of the results of her August 1, 2007 CT scan.
25. On October 24, 2007, Ms. Kelly was once again admitted to Good Samaritan Hospital with complaints of chest pain.
26. On October 24, 2007, Dr. Jerald Insel was Ms. Kelly's attending physician and admitting physician.
27. On October 24, 2007, Dr. Kathleen Keeffe summarized Donna Kelly's family history, noting that Ms. Kelly's mother died of lung cancer at age 58.
28. On October 24, 2007, Dr. Kathleen Keeffe ordered a chest x-ray. Dr. Kathleen Keeffe, despite noting Ms. Kelly's prior medical history, did not order a CT scan.
29. On October 24, 2007, Dr. Andrew Rodgers read the Chest x-ray stating "mass seen in the left upper lobe in recent CT is not identified on plain film imaging."
30. On October 24, 2007, Donna Kelly was discharged from Good Samaritan Hospital without a follow-up CT scan and still without being notified of the results of her August 1, 2007 CT scan.
31. On April 22, 2008, Donna Kelly was yet again admitted for chest pain.
32. On April 22, 2008, Dr. Jerald Insel was the attending and admitting doctor for Ms. Kelly.
33. On April 22, 2008, Dr. Guna Wheeler ordered a chest x-ray.

34. On April 22, 2008, Dr. Nourreddine Guaoucuaou read the chest x-ray. In her report she stated that "mass seen in upper lobe is not yet visible via chest x-ray."
35. On April 22, 2008, though Dr. Guaoucuaou made note of the mass found in the previous CT scan, and note of this mass is contained in the final report, no one informed Ms. Kelly of the mass found in her left lung on August 1, 2007.
36. On May 9, 2008, Ms. Kelly was again admitted for chest pain.
37. On May 9, 2008, Dr. Jerald Insel was her attending and referring physician and Dr. George Hennawi was listed as her primary care physician.
38. On May 9, 2008, Dr. Jerald Insel performed a catheterization to investigate the source of Ms. Kelly's chest pain.
39. On May 9, 2008, no one at Good Samaritan Hospital reviewed the records and informed Ms. Kelly of the mass discovered on Ms. Kelly's CT scan on August 1, 2007. nor was another CT scan ordered.
40. On May 21, 2008 Donna Kelly was admitted for chest pain yet again.
41. On May 21, 2008, Donna Kelly's attending and admitting physician was Dr. Jerald Insel, and her primary care physician was Dr. George Hennawi.
42. On May 21, 2008, Dr. Weisman Muns ordered a chest x-ray.
43. On May 21, 2008, Dr. Akkab Weksburg read the chest x-ray and contained in his report the results as "in the upper left lobe, within the medical aspect, there is an irregular appearing speculated mass density which measures 2.1 x. 2.8."
44. On May 22, 2008, despite the fact that there was a mass located on Ms. Kelly's lungs in the chest x-ray, Donna Kelly was discharged from Good Samaritan Hospital without

any healthcare professional at Good Samaritan Hospital informing her of the results of her chest x-ray conducted May 21, 2008, or her previous CT scan conducted August 1, 2007.

45. On May 30, 2008, Donna Kelly was again admitted to Good Samaritan Hospital.
46. On May 30, 2008, Donna Kelly's primary care physician was George Hennai, and her attending physician was Dr. Jerald Insel.
47. On May 30, 2008, Dr. Jerald Insel ordered a CT scan.
48. On May 30, 2008, Dr. Chris White read the CT results. In his report he stated "Images obtained on lung windows reveal a left apical posterior or medial nodule measuring 2.8 x 2.2 cm abutting the left paraspinal region without definite pleural invasion... assuming no pleural invasion this would be staged as T1, N0, M0, on imaging."
49. Ms. Kelly was not informed of the findings of the CT scan of May, 30, 2008 nor was further diagnostic testing and/or treatment prescribed for Ms. Kelly
50. On September 5, 2008, Donna Kelly was admitted to Good Samaritan Hospital with complaints of bronchitis and a sore throat.
51. On September 5, 2008, Dr. Warren Simms ordered a chest x-ray.
52. On September 5, 2008, Dr. Anita Hawkins read the x-ray noting that the mass "interval increase in size of speculated mass in the medial left upper lobe suspicious for neoplasm. Clinical correlation recommended."
53. On September 5, 2008, over one year after the mass in the upper left lobe of her lung was detected in a CT scan at Good Samaritan Hospital, Donna Kelly was finally

informed of the results of her CT scans of August 1, 2007 and May 30, 2008 and the x-ray findings of May 21, 2008 and September 5, 2008.

COUNT I

MEDICAL MALPRACTICE

Donna Kelly

v.

Good Samaritan Hospital

Jerald Insel, M.D.

Shahin Korangy, M.D.

Rita E. King, M.D.

Kathleen Keeffe, M.D..

Anthony Rodgers, M.D.

Kalathil Sashidharan, M.D.

Plaintiff, Donna Kelly brings suit against Defendants, Good Samaritan Hospital, Jerald Insel, M.D., Shahin Korangy, M.D. Rita E. King, M.D., Kathleen Keeffe, M.D., , Anthony Rodgers, M.D., Kalathil Sashidharan, M.D in a Medical Malpractice Claim pursuant to Section 3-2A01 of the Courts and Judicial Proceeding Article of the Maryland Annotated Code and states:

54. Plaintiff repeats, realleges and incorporates by reference in this count every allegation of each preceding paragraph.
55. At all times herein relevant Defendants, individually and as employees, and representatives, including and not limited to its staff of nurses, aides, medical directors, and negligently departed from the standard of care by:

- a. Failing to inform Ms. Kelly of the results of her 8/1/2007 CT scan over the period of 13 months and through six subsequent admissions to Good Samaritan Hospital's Emergency Room, on 8/1/2007, 9/8/2007, 10/24/2007, 4/22/2008, 5/09/2008, 5/21/2008, and 5/30/2008.
- b. Failing to order a follow-up PET/CT scan as recommended by radiologist Niosha Razi in her chest x-ray report dated 8/2/07.
- c. Failing to order a CT scan of her chest as a comparison to the 8/1/2007 CT scan when Donna Kelly was admitted to Good Samaritan Hospital on 9/8/2007, 10/24/2007, and 4/22/2008, due to the same complaint of chest pain.
- d. Failing to properly diagnose Ms. Kelly on 8/1/2007, 9/8/2007, 10/24/2007, 4/22/2008, 5/09/2008, 5/21/2008, and 5/30/2008 despite having record of the mass in CT scans conducted on 8/1/2007 and 5/30/2008 and a chest x-ray conducted on 5/21/2008.
- e. Failing to properly read the chest x-ray reports dated 9/8/2007, 9/8/2007, 10/24/2007, and 5/21/2008.
- f. Failing to properly read the CT scans conducted 8/1/2007 and 5/30/2008.
- g. Allowing Donna Kelly to be discharged on 8/1/2007, 9/8/2007, 10/24/2007, 4/22/2008, 5/09/2008, 5/21/2008 without any mention of the mass found in her 8/1/2007 chest CT scan and without prescribing or recommending any care or follow-up treatment.

- h. Failing to investigate further the nature of Donna Kelly's chest pain that brought her into the Good Samaritan Hospital on seven (7) occasions over the course of 10 months.
 - i. They were otherwise negligent.
- 56. A reasonably prudent hospital emergency room facility and practitioner operating under the same or similar conditions, would not have failed to provide the important care listed above. Each of the foregoing acts of negligence on the part of the Defendants listed above, operating separately, in combinations of two or more, or jointly accumulatively, was the proximate cause of the failure to inform Donna Kelly of the mass in her lung and the resulting progression and spreading of cancer.
- 57. Plaintiff, Donna Kelly, was in no way contributorily negligent and relied upon the expertise of the physicians and staff at Good Samaritan Hospital.
- 58. As a direct and proximate result of Defendants' negligence, Plaintiff, Donna Kelly, incurred the progression and spreading cancer without treatment, a worsened life expectancy, mental anguish, emotional pain and suffering, and severe, painful and permanent bodily injury, and other related injuries.

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WHEREFORE, Plaintiff, Donna Kelly demands judgment be entered against Defendants, jointly and severally, in an amount in excess of the jurisdictional limits of the district court, \$30,000.