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IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

ANNETTE SIMPSON, Individually and
as Personal Representative of the Estate of
William Simpson, deceased,
4600 Keppler Place
Temple Hills, MD 20748

Plaintiff,

v.

MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.
2101 East Jefferson Street
Rockville, MD 20852
Serve Registered Agent:
The Prentice-Hall Corporation System
7 St. Paul Street, Ste. 820
Baltimore, MD 21202

and

KAISER FOUNDATION HEALTH
PLAN OF THE MID-ATLANTIC
STATES, INC.
2101 East Jefferson Street
Rockville, MD 20852
Serve Registered Agent:
The Prentice-Hall Corporation System
7 St. Paul Street, Ste. 820
Baltimore, MD 21202

Defendants.

CAL 19-00554

Clerk of the
Circuit Court

FR 270 CO MD #35
Jan 11 11 11 11 11 11 11

Case No:

Case: CAL19-00554	
NEW CASE	
APP FEE PLAIN	10.00
CLERK FEE-	80.00
AD LEGAL SERV	55.00
RIF - NEW CASE	30.00
TOTAL	175.00
Rec'd 7020	Rec'd 4 40367
MEL 107	31k 4 586
Jan 16 2019	01:45 pm

COMPLAINT

Plaintiff, Annette Simpson, Individually and as Personal Representative of the
Estate of Williams Simpson, Deceased, by and through her attorneys, Catherine D. Bertram

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and Heather J. Kelly, hereby files this Complaint against the Defendants Mid-Atlantic Permanente Medical Group, P.C., Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., (hereafter referred to as the “Defendants and/or Kaiser”), and states as follows:

VENUE & JURISDICTION

1. Plaintiff Annette Simpson, makes claim against Defendants Mid-Atlantic Permanente Medical Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., for medical injury within the meaning of Md. Code Cts. & Jud. Proc. §3-2A-01. The amount in controversy exceeds the concurrent jurisdictional limit of the District Court of Maryland. This claim is instituted for the recovery of damages in excess of Thirty Thousand Dollars (\$30,000).

2. Plaintiffs filed a Statement of Claim, and Certificate of Meritorious Claim and Report of Qualified Expert, identifying the health care providers whose care is at issue herein, prior to initiating the instant civil action. (See Exhibit A, Certificate and Report of Qualified Expert)

3. Plaintiffs filed a Waiver of Arbitration on or about November 20, 2018, (See Exhibit B, Waiver of Arbitration), and the Director issued an Order of Transfer on or about November 26, 2018. (See Exhibit C, Order of Transfer)

4. Venue is proper in Prince George’s County, Maryland as the significant events, acts and/or omissions giving rise to claimant’s claims occurred in this jurisdiction.

PARTIES

5. Plaintiff, Annette Simpson is an adult citizen who currently resides in Prince George's County, Maryland. She is the surviving wife of William Simpson, and has been appointed as Personal Representative of his Estate.

6. Defendants Mid-Atlantic Permanente Medical Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. are corporations organized under the laws of the State of Maryland and engaged in the business of providing medical and related services, and at all times relevant to this action these Defendants were the actual and apparent employers of Heather Davis, M.D., Robert Heckstall, M.D., Dia Copeland, M.D., Eunice Shakir, M.D., and Georgia Richards, M.D.

7. Defendants' and their employees/agents, Heather Davis, M.D., Robert Heckstall, M.D., Dia Copeland, M.D., Eunice Shakir, M.D., and Georgia Richards, M.D. are health care providers within the meaning of Title 3, Subtitle 2A of the Courts and Judicial Proceedings Article, Ann. Code of Md.

8. The claims against these Defendants are based upon the vicarious liability of its involved principles, agents (actual or apparent), servants and/or employees as it relates to the care and treatment of Plaintiff's decedent William Simpson.

9. Dr. Davis, Dr. Heckstall, Dr. Copeland, Dr. Shakir, and Dr. Richards, have been engaged in the practice of internal medicine, gastroenterology, and/or emergency medicine in Prince George's County, Maryland. Upon information and belief, at all times relevant to this action, Drs. Dr. Davis, Dr. Heckstall, Dr. Copeland, Dr. Shakir, and Dr. Richards were the actual and apparent employees of Mid-Atlantic Permanente Medical

Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., and were acting within the scope of their employment.

10. At all times relevant, Defendant Mid-Atlantic Permanente Medical Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. were in the business of providing health care services, through its employees and/or real and/or ostensible health care provider agents in Prince George's County, Maryland.

11. At all times relevant hereto, Defendants' employees/agents, Dr. Davis, Dr. Heckstall, Dr. Copeland, Dr. Shakir, and Dr. Richards held themselves out as competent to practice within the specialty of emergency medicine, internal medicine, and/or gastroenterology, and at all times relevant herein was duly licensed in Maryland to provide health care services to persons in need thereof, including decedent William Simpson.

12. At all times relevant herein, Dr. Davis, Dr. Heckstall, Dr. Copeland, Dr. Shakir, and Dr. Richards held themselves out as an employees, principals and/or real and/or ostensible agents of Defendants Mid-Atlantic Permanente Medical Group, P.C. and Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.

FACTS

13. Plaintiff's Decedent, William Simpson was under the care of Defendants, for many years, including between December 2014 and the time of his death in January 29018, and had been diagnosed with chronic Viral Hepatitis-C, twenty years prior. Between December 2014 and July 2015, Mr. Simpson was seen for medical care by

Defendants' employee/agent health care providers, including Dr. Davis, Dr. Heckstall, Dr. Copeland, Dr. Shakir, and Dr. Richards.

14. On or about December 6, 2014, Mr. Simpson was seen by Dr. Shakir at Defendants' medical office, at which time she noted that Mr. Simpson brought up his history of Hepatitis-C. While Dr. Shakir sent Mr. Simpson for lab and ultrasound studies, but she did not note any treatment plan or discussion about treatments or the risks of failing to treat his known Hepatitis-C.

15. On or about December 8, 2014, Dr. Copeland acknowledged a request for consultation, and suggested in a telemedicine consult note that Mr. Simpson undergo genotyping of his known Hepatitis-C diagnosis. Again, no treatment plan or discussion about treatment or the risks of failing to treat Mr. Simpson's known Hepatitis-C is documented.

16. On or about January 20, 2015, Mr. Simpson was seen by Dr. Richards at Kaiser, and started on what he believed was medication to treat Viral Hepatitis-C, which consisted of injections performed at Kaiser's medical facilities, by Kaiser employed Health Care Providers. No medical advice that the injections were actually vaccination for a type of Hepatitis, Hepatitis-B, that he did not have, or for treatment of his diagnosis of Hepatitis-C, or routine follow-up, imaging or specialty medical consultation was provided upon the initiation of the medication he understood was necessary to treat his diagnosed Hepatitis.

17. Mr. Simpson presented again, as directed, on March 13, 2015 for further injection of the medication to he believed was being administered to treat his diagnosed

Viral Hepatitis-C. Again, there was no discussion of available treatments for Hepatitis-C, or of the risks attendant to not undergoing such treatment.

18. On or about May 25, 2015, Mr. Simpson presented to Dr. Heckstall and Dr. Davis for assessment and treatment for chest and abdominal pain, abdominal distension, tenderness and rebound.

19. Abdominal CT scan demonstrated minimal diffuse decreased density in the liver, consistent with fatty infiltration.

20. No treatment or recommendation for treatment for Hepatitis-C was initiated, nor was follow-up imaging, testing, medical evaluation, monitoring, or specialty consultation recommended or discussed. Mr. Simpson was not advised of the potential significance of the liver findings on CT, or of the fact that follow-up was necessary.

21. Mr. Simpson presented again on July 15, 2015, as directed, for further injection of the medication he believed was being administered to treat his Viral Hepatitis-C, but was actually vaccination for Hepatitis-B. Again, there was no recommendation to treat the Hepatitis-C or discussion of risks attendant to not undergoing such treatment, including the risk of development of hepatocellular carcinoma.

22. On or about November 6, 2017, Mr. Simpson underwent a CT of the pelvis and abdomen, followed by an MRI of the abdomen on or about December 6, 2017, and was diagnosed with hepatocellular carcinoma.

23. At no time prior to that diagnosis was he treated for Hepatitis-C, which is known as presenting a risk of hepatocellular cancer by reasonably prudent health care

providers in the same or similar medical specialties as Defendants' employee/agent physicians from whom Mr. Simpson sought medical care and treatment in 2014 and 2015.

24. Effective medication and treatment that had a high rate of successful treatment of Hepatitis-C was available and reasonably prudent health care providers in the same or similar medical specialties as Defendants' employee/agent physicians knew or reasonably should have known of the treatments and likelihood of success and that such treatment, when provided timely, prevent the progression of his known diagnosis of Hepatitis-C to hepatocellular carcinoma.

25. Had Mr. Simpson's Hepatitis-C been treated with available medical treatment by Defendants' employee/agent physicians in 2014 or 2015, he would not have gone on to develop hepatocellular carcinoma, which was a cause of his death on January 14, 2018.

26. At no time in 2014 or 2015 was Mr. Simpson evaluated, referred, studied or advised of his risk of developing cancer as a result of his Viral Hepatitis-C, nor was he advised that the medications his Health Care Providers recommended and administered in 2015 were to vaccinate a different type of Hepatitis, rather than treat the type that Defendants were aware that he had.

27. The Defendants owed Mr. Simpson a duty to recommend the available and effective treatment, at a time his hepatocellular carcinoma could have been avoided, or to advise and timely evaluate, monitor, study, and perform laboratory and imaging studies to assess him at a time his cancer could have been successfully treated medically, and/or surgically.

28. As a result of their breaches of the standard of care, Mr. Simpson succumbed to cancer in January 2018.

COUNT I

(Medical Negligence)

29. Plaintiffs incorporate, by reference, paragraphs 1 through 28 above, and further allege that, at all times relevant to the allegations herein, Plaintiff's decedent had a health care provider-patient relationship with the Defendants listed herein. Accordingly, Plaintiffs allege that the Defendants had a duty to provide Plaintiff's decedent with medical care and treatment in a fashion consistent with the applicable standard of care for health care providers practicing in the same or related field of medical practice and under the same or similar circumstances.

30. Plaintiff further alleges that the Defendants failed to utilize the degree of care and skill, which is expected of a reasonably competent practitioner in the same class to which they belong, acting in the same or similar circumstances and, as a result, Plaintiff's decedent suffered permanent injury, and ultimately died. The negligent care and/or treatment by the Defendants included, but was not limited to, the following:

a. the failure to timely treat Mr. Simpson's known diagnosis of Hepatitis-C;

b. order and correctly administer available and effective treatment for the known diagnosis of Hepatitis-C, and to interpret ultrasound, abdominal CT scan, and lab studies; failure to obtain appropriate medical specialist consults; failure to provide routine follow-up for the patient, as well as other negligence; and

c. Failure to fully inform Mr. Simpson of the nature of the medication with which he was being treated, and that it was a vaccination, and not in fact treatment for his Hepatitis-C;

d. the failure of the Defendants to communicate and to follow-up, monitor, evaluate, order studies, laboratory testing, and imaging, and consult with a specialist in a timely fashion during a window when the outcome could have been prevented, and failure to otherwise act as a reasonably prudent health care provider under the circumstances; and

e. The defendants were otherwise negligent;

f. And as a result, William Simpson suffered severe and unabating pain and suffering, pecuniary and non-pecuniary losses and damages.

Count II
(Wrongful Death)

Plaintiff incorporates herein by reference the allegations set forth above in paragraphs 1 through 30.

31. Plaintiff, Annette Simpson, Individually, asserts a claim for all damages recoverable under the Maryland Wrongful Death Act, Maryland Code Ann. Cts. and Jud. Proc. §3-904, such claims having been timely made within the three-year statute of limitations.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, in an amount exceeding the jurisdictional limit of the District Court of Maryland, plus costs

Count III
(Survival Act)

Plaintiffs incorporate herein by reference the allegations set forth above in paragraphs 1 through 24.

32. As a result of the negligence of Defendants, Plaintiff's decedent, William Simpson suffered severe and permanent injuries to mind and body, including but not limited to pain and suffering, required medical and related care and treatment including multiple surgeries, multiple pain management procedures, and repeated hospitalizations, incurred substantial medical and related expenses; suffered economic losses and other damages for which he would have been entitled to make claim during his lifetime, and for which Plaintiff asserts this claim in this action as personal representative of the Decedent's estate, pursuant to the Maryland Survival Act, Maryland Code Ann. Cts. and Jud. Proc. §6-401.

WHEREFORE, Plaintiff, Annette Simpson, as the duly appointed Personal Representative of the Estate of William Simpson, makes a claim for damages against the Defendants named herein, jointly and severally, in an amount exceeding the jurisdictional limit of the District Court of Maryland, plus costs.

Count II
(Lack of Informed Consent)

33. Plaintiff asserts a separate claim for damages caused by the Health Care Providers' failure to obtain informed consent and incorporates by reference the allegations contained in paragraphs 1-32 as if fully set forth herein.

34. Plaintiff's decedent was not treated for Hepatitis-C or referred to a specialist to treat Hepatitis-C, or to timely evaluate for or treat hepatocellular carcinoma.

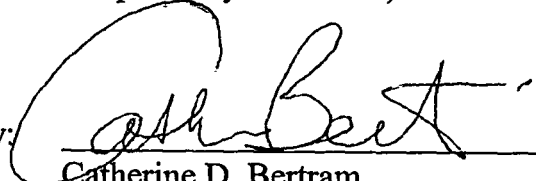
35. Plaintiff's decedent was not informed of the material and foreseeable risks and complications of foregoing timely treatment, evaluation, testing, imaging, biopsy, or any monitoring by appropriate specialists for his Hepatitis-C, or for timely surgery to treat his liver cancer at a time it could be medically and surgically treated, including the foreseeable inability to cure or reverse such injuries resulting in permanent damage and death.

36. If Plaintiff's decedent, or any reasonable person in Plaintiff's decedent's position, had been fully informed that he was not being treated for his known diagnosis of Hepatitis-C, but rather was being vaccinated for Hepatitis-B, or otherwise advised of the medical options and the material and foreseeable risks and complications of non-treatment, and the need to be seen and followed by appropriate specialists, and timely evaluation, imaging, and medical and surgical treatment, Plaintiff's decedent would have undergone timely treatment for his Hepatitis-C, and/or obtained a timely second opinion with an appropriate specialist and would have undergone timely medical care and been timely diagnosed, treated and cured without any permanent sequelae or his untimely death.

WHEREFORE, Plaintiff makes a claim for damages against Defendants, jointly and severally, in an amount in excess of the concurrent jurisdictional limit of the District Court of Maryland.

Respectfully submitted,

By:



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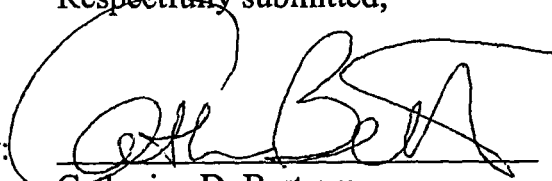
Counsel for Plaintiffs

JURY DEMAND

Plaintiffs demand a jury for all claims set forth herein.

Respectfully submitted,

By:



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