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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

ADRIENNE BLASINGAME

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN OF
THE NORTHWEST, a Domestic Nonprofit
Corporation, PATRICIA SANDHOLM and
AUBREY JOSLYN,

Defendants.

Case No. 17CV42616

COMPLAINT FOR
PERSONAL INJURY/MED MAL
(\$983,789.00)

Not subject to mandatory
Arbitration ORS 36.405

Fee per ORS 21.160(1)(b)

Plaintiff Alleges:

1.

Plaintiff is an individual residing in Washington County, Oregon. She is 42 years old and has a future life expectancy of 41.3 years, according to the life expectancy calculator provided by the SSA.

2.

Defendant KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST ("Kaiser") is a domestic nonprofit corporation doing business providing medical services in Washington county Oregon and employing the remaining defendants.

3.

Defendant PATRICIA SANDHOLM ("Sandholm") is an individual residing in Oregon at the time of the incident and employed by Kaiser as a medical doctor ("MD").

1 4.

2 Defendant AUBREY JOSLYN ("Joslyn") is an individual residing in Oregon
3 at the time of the incident and employed by Kaiser as a physician's
4 assistant ("PA")

5 5.

6 On November 20, 2017, Plaintiff underwent abdominoplasty and bi-lateral
7 breast reduction surgery by Dr. Sandholm at Kaiser "Sunnyside." Sandholm
8 prescribed Lovenox injections of 40 mcg, once per day for 5 days, post-
9 surgery as a precaution against blood clotting. Her order was based only on
10 Sandholm's judgment that this "should be enough."

11 6.

12 On Tuesday, November 28, 2017, at about 1:00 PM, Plaintiff was seen by
13 physician's assistant ("PA") Aubrey Joslyn ("Joselyn") for a one-week, post-
14 surgery follow up. Plaintiff presented with severe constipation, light-
15 headedness when straining, severe chest pain, difficult tri-pod breathing,
16 and a fever which began several days earlier despite taking three
17 antipyretic medications, including Tylenol, oxycodone, and morphine.

18 7.

19 Joslyn provided a hand-out for combating constipation, prescribed
20 additional morphine for pain, and instructed Plaintiff to take ibuprofen for
21 fever. Joslyn also instructed Plaintiff to discontinue oxycodone.

22 8.

23 Joslyn did not order any type of diagnostics to investigate the
24 patient's symptoms, no imaging of Plaintiff's chest, lungs, or a blood tests
25 were performed such as D-dimer, due to Plaintiff's extremely high risk for
26 post-surgery venous thromboembolism ("VTE").

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9.

Over the subsequent 24 hours, Plaintiff experienced increased difficulty breathing, increased chest pain, spreading into her back, which caused Plaintiff to seek emergency medical care at Kaiser's West Side Medical Center on November 29, 2017. Plaintiff informed the treating physician, Dr. Laura Bickford, that she suspected a blood clot. Dr. Bickford ordered a chest X-ray, a computed tomography angiogram ("CTA") of Plaintiff's lungs, and blood work including D-dimer test. The imaging showed bi-lateral pulmonary embolism ("PE") and left pleural effusion. The chest X-ray showed an elevated left hemidiaphragm. The D-dimer score was 2240, which is extremely high indicating presence of serious blood clotting. Plaintiff was immediately re-admitted and began treatment for the bi-lateral PE.

10

When re-admitted, Plaintiff was treated by Dr. Ehrine Deloriea, MD, who told Plaintiff that she would prescribe the blood thinner Pradaxa, although she stated that Eliquis or Xarelto would be better for lowering the risk of developing a hematoma in the areas where surgery had been performed. However, these medications were not covered on the insurance formulary.

11

In less than one week after being re-admitted, Plaintiff developed severe pain in both breasts, indicative of possible hematomas. On December 4, 2017, Plaintiff saw Dr. Kathy Bak. Plaintiff informed Dr. Bak that Dr. Sandholm, the surgeon who performed the abdominoplasty and breast reduction surgeries, told Plaintiff to watch for hematomas and to seek emergency treatment if a hematoma developed. Disregarding the advice that a hematoma was an emergent issue, Dr. Bak ordered an ultrasound ("US"), which was to be performed routinely, sometime within the next few weeks, and, at Plaintiff's

///

1 request, referred Plaintiff to a hematologist. However, Plaintiff requested
2 a prescription for Eliquis but Dr. Bak declined. Dr. Bak then sent Plaintiff
3 to the emergency department ("ED") for chest pain unrelated to the breast
4 hematomas.

5 12.

6 The ED doctor, Dr. Ian McClure, ordered the breast US immediately and a
7 CTA. The resulting diagnosis indicated a new post operation complication of
8 a right breast hematoma and unchanged PE. Dr. McClure prescribed Eliquis to
9 treat the PE, at Plaintiff's request, which she paid for out of pocket
10 because it was not on Kaiser's formulary.

11 13.

12 On December 15, 2017, Plaintiff had a phone consult with the
13 hematologist, Dr. Soamas Boyle, who told Plaintiff that she would need to be
14 on blood thinner for three months to resolve the PE, which ultimately did
15 resolve but left the Plaintiff with life-long vascular damage.

16 14.

17 On January 3, 2018, Plaintiff sought treatment at Kaiser West Side ED
18 because of left facial numbness and left-hand weakness. Dr. Mathew Simons,
19 MD, ordered a CTA of the brain and neck did neither aided in diagnosing
20 Plaintiff's condition. No US was ordered, which may have revealed blood
21 clotting in the jugular vein. She was sent home.

22 15.

23 On January 31, 2018, Plaintiff switched from Eliquis to Xarelto because
24 Kaiser would not approve Eliquis. However, Xarelto is known to have the side
25 effect of producing heavy menstrual bleeding. On March 10, 2018, Plaintiff
26 woke in the morning in a pool of blood from heavy menstrual bleeding. On
27 March 12, 2019, Plaintiff saw Dr. Nancy Chang, MD, who advocated with Kaiser

28 ///

1 on behalf of Plaintiff to request approval of Eliquis. On or about March 28,
2 2019, Kaiser approved Plaintiff's request.

3 16.

4 The aforementioned breast hematomas eventually resolved but left
5 puckered skin, which required surgery to address. Plaintiff underwent
6 revision surgery on April 12, 2018, performed by Dr. Sandholm, which
7 corrected the problems caused by the breast hematomas.

8 17.

9 On April 16, 2018, Plaintiff resumed taking Eliquis, which she had
10 stopped for the surgery at the direction of Dr. Boyle. In late April 2018,
11 Plaintiff developed neck pain and arm weakness. On April 27, 2018, Plaintiff
12 sought treatment from Susan Wagner, P.A., who diagnosed a swollen lymph
13 node. Plaintiff objected that left facial numbness, neck pain, and left arm
14 numbness indicated more than swollen lymph nodes. Plaintiff requested a
15 second opinion from Dr. Chang who was available immediately. She ordered a
16 neck US, which showed blood clots in the internal jugular vein, bi-lateral.
17 Patient was treated briefly with Arixtra, then continued taking Eliquis to
18 treat the condition.

19 18.

20 On September 12, 2018, Plaintiff received a routine US at Kaiser
21 Westside, which showed no evidence of thrombi or restricted flow.

22 19.

23 On March 11, 2019, Plaintiff visited the ED at Kaiser Westside because
24 of worsening left side facial numbness and arm weakness. Dr. Summer Stears-
25 Ellis, MD, ordered a US of Plaintiff's neck, which showed two bilateral
26 blood clots, same or similar to previous imaging from April 2018. Dr. Sears-
27 Ellis indicated that these were "new" occurrences.

28 ///

1 20.

2 On July 12, 2019, Plaintiff consulted Dr. Boyle regarding recurring
3 symptoms of left arm weakness, neck pain, and left facial numbness. An US
4 confirmed permanent left side damage to the jugular veins on both sides,
5 having resulted from the prior blood clots.

6 21.

7 On November 4, 2019, Plaintiff consulted Dr. Lucy Langer, President of
8 Compass Oncology, who diagnosed a life-long need for blood thinners, such as
9 Eliquis, 5mg, twice daily.

10 **PLAINTIFF'S FIRST CLAIM FOR RELIEF**

11 **(Negligence Against Defendants Sandholm and Kaiser)**

12 Plaintiff realleges the allegations of paragraphs 1 through 21 above as
13 though fully set forth herein.

14 22.

15 Sandholm, employed and working under the direction and control of
16 Kaiser, was negligent in not meeting a standard of care as to post-surgery
17 prevention of blood clotting under the circumstance where Plaintiff had
18 undergone abdominoplasty surgery, which is high risk for VTE, as well as
19 breast reduction surgery, both surgeries being performed at the same time.
20 Post-surgery, Sandholm ordered an inappropriate prophylactic dose of Lovenox
21 blood thinner. Sandholm failed to consult an anti-coagulation pharmacist for
22 the appropriate dose of Lovanox given the nature of the surgeries. Said
23 negligence harmed the Plaintiff.

24 23.

25 As a direct result of Sandholm's negligence, Plaintiff was damaged as
26 follows:

- 27 a. Pain and suffering due to developing PE.
28 b. Pain and suffering due to developing bi-lateral breast hematoma.

- 1 c. Pain and suffering in enduring breast revision surgery due to the
2 development of bi-lateral breast hematoma.
- 3 d. Pain and suffering in enduring shortness of breath while dealing
4 with the PE.
- 5 e. Life-long vascular damage.
- 6 f. Chronic jugular vein thrombosis with permanent narrowing of her
7 jugular veins.
- 8 g. Chronic neck pain and left arm weakness.
- 9 h. Chronic left leg edema.
- 10 i. Life-long anti-coagulation medication when previously she had no
11 such need.
- 12 j. Low iron levels due to blood thinners causing her to have two
13 menstrual cycles per month, fatigue, and irritability.
- 14 k. Pain and suffering due to periodic need for intravenous iron.
- 15 l. Inability to sit for long periods of time.
- 16 m. Inability to enjoy the level of physical activities she was
17 customarily used to, such as running and hiking.
- 18 n. Inability to work her regular 12-hour shift, which requires sitting
19 for long periods of time. She is now restricted to an 8-hour shift.
- 20 o. Loss of expected life span.

21 24.

22 As a direct result of the foregoing damages, Plaintiff has sustained
23 non-economic damages in the sum of \$500,000.00.

24 25.

25 As a direct result of the foregoing damages, Plaintiff has sustained
26 economic damages in the amount of \$295,200.00 for future medical expense
27 related to blood thinner medication.

28 ///

1 26.

2 As a direct result of the foregoing damages, Plaintiff has sustained
3 future economic damages in the amount of \$188,589.00 for diminished earning
4 capacity due to her inability to work 12-hour shifts.

5 PLAINTIFF'S SECOND CLAIM FOR RELIEF

6 (Negligence Against Defendants Joslyn and Kaiser)

7 Plaintiff realleges the allegations of paragraphs 1 through 21 above as
8 though fully set forth herein.

9 27.

10 Joslyn, employed and working under the direction and control of Kaiser,
11 was negligent in not meeting a standard of care under the circumstance where
12 Plaintiff had recently undergone abdominoplasty surgery, which indicates
13 high risk for VTE, as well as breast reduction surgery, performed at the
14 same time. Joslyn also did not utilize any Kaiser risk assessment tools,
15 including but not limited to the Caprini DVT risk score. Thus, Plaintiff's
16 treatment of an urgent condition was delayed resulting in damages.

17 28.

18 As a direct and proximate result of Joslyn's negligence, Plaintiff was
19 damaged as follows:

- 20 a. Pain and suffering due to developing PE.
21 b. Pain and suffering due to developing bi-lateral breast hematoma.
22 c. Pain and suffering in enduring breast revision surgery due to the
23 development of bi-lateral breast hematoma.
24 d. Pain and suffering in enduring shortness of breath while dealing
25 with the PE.
26 e. Life-long vascular damage.
27 f. Chronic jugular vein thrombosis with permanent narrowing of her
28 jugular veins.

- 1 g. Chronic neck pain and left arm weakness.
- 2 h. Chronic left leg edema.
- 3 i. Life-long anti-coagulation medication when previously she had no
- 4 such need.
- 5 j. Low iron levels due to blood thinners causing her to have two
- 6 menstrual cycles per month, fatigue, and irritability.
- 7 k. Pain and suffering due to periodic need for intravenous iron.
- 8 l. Inability to sit for long periods of time.
- 9 m. Inability to enjoy the level of physical activities she was
- 10 customarily used to, such as running and hiking.
- 11 n. Inability to work her regular 12-hour shift, which requires sitting
- 12 for long periods of time. She is now restricted to an 8-hour shift.
- 13 o. Loss of expected life span.

14 29.

15 As a direct result of the foregoing damages, Plaintiff has sustained

16 non-economic damages in the sum of \$500,000.00.

17 30.

18 As a direct result of the foregoing damages, Plaintiff has sustained

19 economic damages in the amount of \$295,200.00 for future medical expense

20 related to blood thinner medication.

21 31.

22 As a direct result of the foregoing damages, Plaintiff has sustained

23 future economic damages in the amount of \$188,589.00 for diminished earning

24 capacity due to her inability to work 12-hour shifts.

25 **THIRD CLAIM FOR RELIEF**

26 **(Negligence Against Defendants Sandholm, Joslyn, and Kaiser)**

27 Plaintiff realleges the allegations of paragraphs 1 through 21 above as

28 though fully set forth herein.

1 31.

2 Sandholm, employed and working under the direction and control of
3 Kaiser, was negligent in not meeting a standard of care under the
4 circumstance where Plaintiff had undergone abdominoplasty surgery, which
5 indicates high risk for VTE, as well as breast reduction surgery, all
6 performed at the same time. Post-surgery, Sandholm ordered an inappropriate
7 prophylactic dose of Lovanox blood thinner resulting in the following
8 damages.

9 32.

10 Joslyn, employed and working under the direction and control of
11 Kaiser, was negligent in not meeting a standard of care under the
12 circumstance where Plaintiff had recently undergone abdominoplasty surgery,
13 which indicates high risk for VTE, as well as breast reduction surgery,
14 performed at the same time. Joslyn also did not utilize any Kaiser risk
15 assessment tools, including but not limited to the Caprini DVT risk score.
16 Thus, Plaintiff's treatment of an urgent condition was delayed resulting in
17 damages.

18 33.

19 As a direct and proximate result of the combined, serial negligence of
20 Defendants Sandholm and Joslyn, both employed and working under the
21 direction and control of Kaiser, Plaintiff was damaged as follows:

- 22 a. Pain and suffering due to developing PE.
23 b. Pain and suffering due to developing bi-lateral breast hematoma.
24 c. Pain and suffering in enduring breast revision surgery due to the
25 development of bi-lateral breast hematoma.
26 d. Pain and suffering in enduring shortness of breath while dealing
27 with the PE.
28 e. Life-long vascular damage.

- 1 f. Chronic jugular vein thrombosis with permanent narrowing of her
2 jugular veins.
- 3 g. Chronic neck pain and left arm weakness.
- 4 h. Chronic left leg edema.
- 5 i. Life-long anti-coagulation medication when previously she had no
6 such need.
- 7 j. Low iron levels due to blood thinners causing her to have two
8 menstrual cycles per month, fatigue, and irritability.
- 9 k. Pain and suffering due to periodic need for intravenous iron.
- 10 l. Inability to sit for long periods of time.
- 11 m. Inability to enjoy the level of physical activities she was
12 customarily used to, such as running and hiking.
- 13 n. Inability to work her regular 12-hour shift, which requires sitting
14 for long periods of time. She is now restricted to an 8-hour shift.
- 15 o. Loss of expected life span.

16 34.

17 As a direct result of the foregoing damages, Plaintiff has
18 sustained non-economic damages in the sum of \$500,000.00.

19 35.

20 As a direct result of the foregoing damages, Plaintiff has sustained
21 economic damages in the amount of \$295,200.00 for future medical expense
22 related to blood thinner medication.

23 36.

24 As a direct result of the foregoing damages, Plaintiff has sustained
25 future economic damages in the amount of \$188,589.00 for diminished earning
26 capacity due to her inability to work 12-hour shifts.

27
28 **WHEREFORE, Plaintiff prays for a judgment against defendants as follows:**

1
2 As To Plaintiff's First Claim For Relief

3 A judgment in favor of Plaintiff:

- 4 1. Plaintiff's non-economic damages in the amount of \$500,000.00.
5 2. Plaintiff's economic damages in the amount of \$483,789.00.
6 3. Any other relief the court deems appropriate.

7
8 As To Plaintiff's Second Claim For Relief

9 A judgment in favor of Plaintiff:

- 10 4. Plaintiff's non-economic damages in the amount of \$500,000.00.
11 5. Plaintiff's economic damages in the amount of \$483,789.00.
12 6. Any other relief the court deems appropriate.

13
14 As To Plaintiff's Third Claim For Relief

15 A judgment in favor of Plaintiff:

- 16 7. Plaintiff's non-economic damages in the amount of \$500,000.00.
17 8. Plaintiff's economic damages in the amount of \$483,789.00.
18 9. Any other relief the court deems appropriate.

19
20 DATED this 19th day of November 2019.

21
22
23 s/David C Clarke
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