

Ambulance Transport Safety Summit

Bridging the gap between what we do and what is known

EMS Subcommittee of the TRB Ambulance Transport Safety Summit

October 29th, 2009



IF SAFETY FOR THE SAKE OF SAFETY WASN'T ENOUGH:

A WORD ON LAWSUITS AND LIABILITY

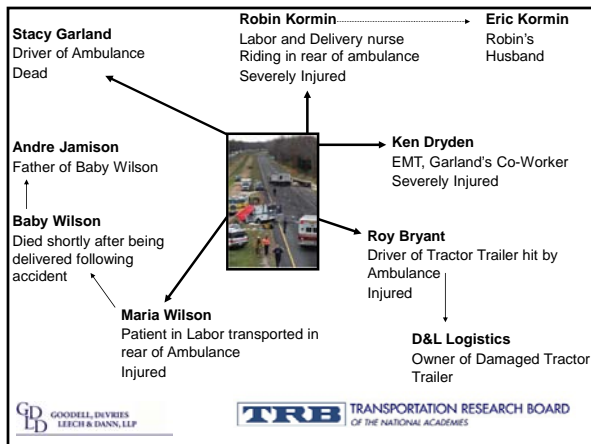
Michele R. Kendus
Goodell, DeVries, Leach & Dann, LLP



People who faint at the drop of a hat shouldn't drive ambulances.

When they do, accidents happen, people get hurt and die, and lawsuits are filed.

That costs money. . .
Lots and lots of money.



Causes of Action:



- Bodily Injury
- Wrongful Death
- Loss of Services
- Property Damage
- Workers' Compensation

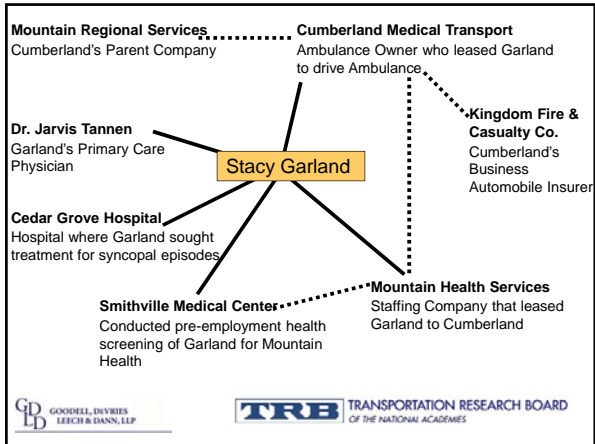


LIABILITY =

Who Is Responsible =



Who Put Stacy Garland Behind The Wheel?

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Cumberland Medical Transport
(Ambulance owner)

- Leased Stacy Garland from Mountain Health Services
- Relied on Mountain Health Services to perform Human Resources functions
- Was not privy to her medical history

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Mountain Health Services
(staffing company)

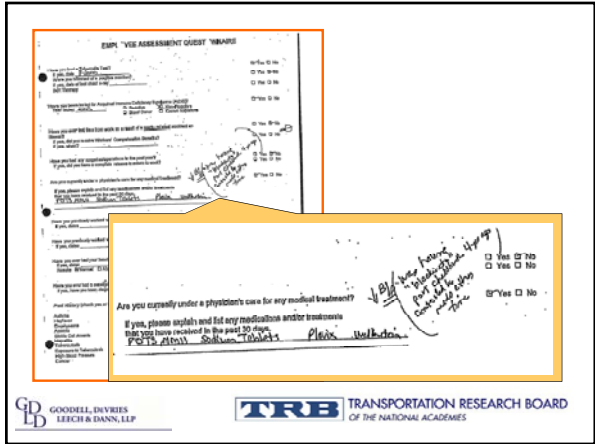
- Responsible for all Human Resources functions for EMTs and other staff it leased
- Guaranteed that staff it leased to Cumberland would be qualified for the position they were leased to fill
- Sent potential employees to Smithville Medical Center for Pre-Employment Health Screening

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Smithville Medical Center
(Hospital that conducted screening)

- Personnel performing Pre-Employment Health Screening not properly trained
- Pre-Employment Health Screening Form inadequate
- Smithville personnel failed to appreciate significance of information provided

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Kingdom Fire & Casualty Co. (Insurer of Ambulance Owner)

- Sued by Mountain Health Services and Smithville Medical Center for coverage for claims arising from Ambulance accident
- Countersued Mountain Health Services and Smithville Medical Center to recover money it paid to settle personal injury claims arising from Ambulance accident



Cedar Grove Hospital Hospital where Garland sought treatment for syncopal episodes

- Garland came there after fainting while driving one month before her hire
- Repeated syncopal episodes
- Never definitively diagnosed the cause
- Never determined treatment to control
- Failed to instruct her not to drive



Discharge Summary

Patient Name: [Redacted] Medical Record No: 1-228-73-64
 Discharge Date: 07/24/04
 Patient ID: 318006 1318
 Discharge Time: 07/24/04
 Home Number: 76388

Admission: [Redacted]
 Referring: [Redacted]
 Primary: Postural orthostatic tachycardia syndrome
 Other: Orthostatic hypotension

Discharge To: Home
 Discharge Medication:
 1) placebo 75 mg po qd
 2) metoprolol XL 150 mg po bid
 Medication to be initiated? Yes
 Pt offered bathroom visit? Yes
 If a patient has an active order: [Redacted]
 Activity Restrictions: None
 Physical Activity: None
 Diet: None
 Comments: Yes are recommended for a diet high in salt and fluid. Please make an appointment with the doctor/doctor's office at the address above if you experience any of the symptoms listed above.

Appointments or other comments:
 1) Please return to the office or advised by your PCP prior to admission
 Discharge by: [Redacted]



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 PHYSICAL ACTIVITY: [Redacted]



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Dr. Jarvis Tannen Garland's Primary Care Physician

- Had information that she was either employed or entering employment as an ambulance driver
- Was aware of several ER and hospital visits for syncope, undiagnosed and untreated
- Never advised her not to drive



Stacy Garland

Negligence / Contributory Negligence?

Employer's Vicarious Liability

And Around and Around We Go



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Questions??

- Please raise your hand or type in the message box



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