

Arkansas
State Claims Commission

DEC 22 2014

RECEIVED

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas
☒ Mr.
☒ Mrs.
☐ Ms.
☐ Miss

Charles Coleman, Claimant
Nelida Coleman
 vs.

State of Arkansas, Respondent

UAMS

Do Not Write in These Spaces

Claim No. 15-0482-CCDate Filed Dec 22, 2014
(Month) (Day) (Year)Amount of Claim \$?Fund UAMS

COMPLAINT

Personal Injury, Mental Anguish
Pain & Suffering, Failure to
Follow Procedures
(Street or R.F.D. & No.) (City)Charles Coleman
(Name)

the above named Claimant, of

2602 Park Dr Little Rock
(Street or R.F.D. & No.) (City)AR 72206 897-2157
(State) (Zip Code) (Daytime Phone No.)PU
(City)

represented by

NA
(Legal Counsel, if any, for Claim)

of

AA-6072
(Street and No.)AA-6072
(City)PU
(State)72206
(Zip Code)897-2157
(Phone No.)NA
(Fax No.)

says:

State agency involved: UAMSAmount sought: ?Month, day, year and place of incident or service: 3-23-2012

Explanation: I was discharged home with a pleural effusion and coded in Walgreen Pharmacy less than 30 min after discharge. I believe it was a bleed. The day of discharge records stated I had chest tube/ice held in place for ER drainage. Discharge home. They did surgery on me 2-2-2012. They had to go back in twice for a bleed. After that they called it a pleural effusion. They put chest tubes in. ER drainage thoracentesis. Surgical drainage. 3-8-2012 they ordered 4.5 L of blood. 3-19-2012 they ordered over 2000 cc blood. The doctors that worked on me were no doctors. But students. But said they were doctors. They said I was Anemic. That's why they ordered all that blood. There is very little documentation on them giving me blood but they documented multiple blood product transfusion for anemia. The doctor that discharged me didn't have a license and no other doctor confirmed it. Dr. Betzold got a license in 2013. Discharge records and Admit Record identical.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or office thereof?

YES

(Yes or No)

when?

(Month)

(Day)

(Year)

to whom?

Arkansas State Medical Board
(Department)and that the following action was taken thereon: noneand that \$ NA was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address

(Name)

(Street or R.F.D. & No.)

(City)

(State)

(Zip Code)

and that the nature thereof is as follows:

and was acquired on

in the following manner:

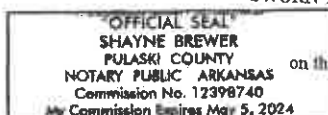
THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verify believes that they are true.

Charles Coleman
(Print Claimant/Representative Name)Charles Coleman
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Little Rock
(City)AR
(State)

(SEAL)



on this

31st

day of

October

(Date)

(City)

(State)

(Month)

(Year)

SF1-R799

My Commission Expires:

May
(Month)

(Notary Public)

5th
(Day)2024
(Year)

ARKANSAS STATE CLAIMS COMMISSION
PROPERTY DAMAGE/PERSONAL INJURY INCIDENT REPORT FORM

SECTION I

CLAIMANT Charles Coleman ADDRESS 2602 Kady Ln
Little Rock CITY & STATE AR ZIP CODE 72206
DATE OF INCIDENT: 3-23-2012 19 TIME _____

Give a brief description of incident, showing how incident happened, exact loss and extent of damage to property and/or injury to person:

UAMS dis charged me home know i was bleeding in my chest and I code blue in wd Green Pharmacy less then 30 min after discharge, I have seizure, and fall all the time. I have trembles (If personal injury claim only, move on to Section IV) my self, cant cook, cant drive anymore, cant take care of
myself, cant live on my own.

SECTION II

Has this property been repaired? Yes () No () If repairs have been made, give the following information: Amount: \$ _____ Have you paid for the repairs? Yes () No ()

NOTE: Attach a copy of repair bill.

If repairs have not been made, list three estimates below and attach copies of each of them.

NAME	ADDRESS	AMOUNT
1. _____	_____	\$ _____
2. _____	_____	\$ _____
3. _____	_____	\$ _____

SECTION III

Was property covered by insurance? Yes () No ()
If yes, what is the deductible? \$ _____

NAME OF INSURANCE CARRIER ADDRESS

Arkansas
State Claims Commission
DEC 22 2014

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SECTION IV

Is injured covered by medical insurance? Yes () No ()
If yes, what is the deductible? \$ N/A

If yes, is medical insurance:

A. Job-based Yes () No ()
B. Uninsured Motorist Yes () No ()
C. Private Pay Yes () No ()

NAME OF INSURANCE CARRIER

ADDRESS

medicare & medical

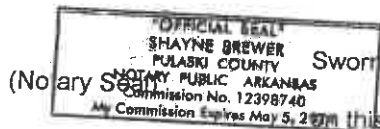
SECTION V

If incident was investigated by the police or by some other agency, give name and title of officer/person making the investigation: AR State Medical Board

SECTION VI

The undersigned states on oath that he/she is familiar with the matters and things set forth in the above statement, and that he/she verily believes that they are true.

Charles Coleman
Signature of Claimant



(Noary Seal) Sworn to and subscribed before me at Little Rock AR
31 day of October, 19 2014
day month year

Commission Expires May 5th 2014

[Signature]
Signature of Notary Public

Arkansas
State Claims Commission
JAN 16 2015

CLAIMANT RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHARLES & NELDA COLEMAN

V.

NO. 15-0482-CC

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes now the respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Motion to Dismiss, states:

1. Claimants' medical negligence claim is barred by the statute of limitations.
2. The grounds for this motion are more fully set forth in a brief in support filed contemporaneously with the motion.

WHEREFORE, Respondent respectfully requests that the Commission grant its motion to dismiss and for all other relief to which it may be entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES,
Respondent

By:




SHERRI L. ROBINSON, #97194
Associate General Counsel
University of Arkansas for Medical Sciences
4301 West Markham, Slot 860
Little Rock, AR 72205
(501) 686-7608
Srobinson3@uams.edu

Attorney for Respondent

CERTIFICATE OF SERVICE

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on claimant herein by mailing a copy of same, by U.S. Mail, postage prepaid, this 14th day of January, 2015, addressed to the following:

Charles and Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206



Sherri L. Robinson

Arkansas
State Claims Com.
JAN 16 2015
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHARLES & NELDA COLEMAN

CLAIMANTS

V.

NO. 15-0482-CC

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES

RESPONDENT

BRIEF IN SUPPORT OF
RESPONDENT'S MOTION TO DISMISS

Claimants have filed this matter alleging that UAMS was negligent in releasing Mr. Coleman from the hospital in March 2012. Claimants' medical negligence claim is barred by the statute of limitations. Arkansas Code Annotated § 16-114-203 states that "all actions for medical injury shall be commenced within two (2) years after the cause of action accrues." The only exceptions to the two years are for the discovery of a retained foreign object of if the individual is a minor. Id. Neither exception applies here.

Arkansas Code Annotated § 19-10-204(b)(3)(A) states that the Commission cannot grant relief on a claim that would be dismissed as a matter of law, "for reasons other than sovereign immunity," from a court of law. Additionally, according to the Rules of the Arkansas State Claims Commission, Claims Excluded, "[c]laims based on incidents beyond the statutorily applicable code of limitations are not accepted for filing."

Claimants have filed this matter with the Commission beyond the statute of limitations for a medical negligence action. Consequently, as a matter of law, the claim must be dismissed.

WHEREFORE, Respondent respectfully requests that the Commission grant its motion to dismiss and for all other relief to which it may be entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES,
Respondent

By:



SHERRI L. ROBINSON, #97194
Associate General Counsel
University of Arkansas for Medical Sciences
4301 West Markham, Slot 860
Little Rock, AR 72205
(501) 686-7608
Srobinson3@uams.edu

Attorney for Respondent

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2602 Kady Lane
Little Rock, AR 72206



Sherri L. Robinson

Arkansas
State Claims Commission

JAN 21 2015

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Arkansas State Claim Commission
101 East Capitol, Suite 410
Little Rock, AR 72201

Re: Charles and Nelda Coleman v. UAMS
No. 15-0482-CC

university of Arkansas for medical sciences
cc: Sherrie L. Robinson
Associate General Counsel
4301 West Markham Street, #860
Little Rock, AR 72205-7199

Before The Arkansas State Claim Commission

Claimnat-Charles and Nelda Coleman

Respondant-University of Arkansas for Medical Sciences

Arkansas
State Claims Commission

JAN 21 2015

Claimnants Motion:

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Claimnants called Arkansas State Claims Commission and they stated I had three years to file a claim.


The Brad Hendricks Law Firm filed this motion on February 25, 2014.


On March 31, 2014, A order of Non-Suit was filed , which allowed us a year to find council.

Sherry L Robinson #97194
Associate General Counsel
University of Arkansas for Medical Sciences
4301 West Markham , Slot 860
(501) 686-7608

cc:

Charles and Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206
(501) 897-2157
(501) 744-6072 cell


Nelda Coleman


Charles Coleman

State of Arkansas
County of Pulaski

Sworn before me this 21st Day of January, 2015

My Commission Expires 5/24/2015


Dennis N. White



203374

THE BRAD HENDRICKS
LAW FIRM

A Professional Association

500 C Pleasant Valley Drive
Little Rock, Arkansas 72227
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Fax: (501) 661-0196

www.bradhendricks.com

November 19, 2012

Brad Hendricks ††
Lamar Porter †
Christopher R. Heil
David Rawls †
Todd Jones
George R. Wise, Jr.

All Licensed in Arkansas
† Also Licensed in Texas
†† Also Licensed in Texas & Missouri

Matthew E. Hartness †
Lyndsey D. Dilks
Caroline C. Lewis
Lloyd W. "Tre" Kitchens
Timothy M. Carr, Sr.*
Zan Davis *

* Of Counsel

Bill Ship

11/19/12

RECORDS DEPT.

Arkansas Heart Hospital
1701 South Shackleford
Little Rock, AR 72211

Re: Our Client: Charles Coleman
DOB: 07/27/1950
SS#:
D/Service: 5/1/12 to present

Dear Sir/Madam:

Our firm represents the above individual. Please provide our firm with a copy of the records you maintain on our client, pursuant to the enclosed **HIPAA** approved authorization.

Should you have any questions or need additional information, please feel free to contact me. Thank you in advance for your cooperation in this matter.

Sincerely,

Lea Ann Lawrence
Legal Assistant
llawrence@bradhendricks.com

/lal

Enclosure: Medical Authorization

4 ggs
12/20/12

74183271

9

COLEMAN, CHARLES E

Scan on 11/19/2013 1:26 PM by User: BECK, JENIFER

11/19/2013 12:02 5012198508

PAGE 02/03



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November 19, 2013

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Matthew P. Hartness †
Caroline C. Lewis
Lloyd W. "Tré" Kitchens
Timothy M. Carr, Sr.*
Zan Davis *

* OF COUNSEL

Via fax: 686-8361

RECORDS DEPT.
UAMS Medical Center
Health Information Management
4301 West Markham Street, #524
Little Rock, AR 72205

Re: Our Client: Charles Coleman
DOB: 07/27/1950
SS#:
D/Service: 1/1/11 to 2/29/12

Dear Sir/Madam:

Our firm represents the above individual. Please provide our firm with a copy of the records (on CD, if available) you maintain on our client, pursuant to the enclosed HIPAA approved authorization.

Should you have any questions or need additional information, please feel free to contact me. Thank you in advance for your cooperation in this matter.

Sincerely,

Lea Ann Lawrence
Legal Assistant
llawrence@bradhendricks.com

/s/
Enclosure: Medical Authorization

10



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Lloyd W. "Tré" Kitchens
Timothy M. Carr, Sr.*
Zan Davis *

* Of Counsel

December 20, 2013

CERTIFIED MAIL/RETURN
RECEIPT REQUESTED

Mr. Charles Coleman
2602 Kady Lane
Little Rock, AR 72206

Dear Mr. Coleman:

We have reviewed the medical records concerning your unfortunate problems. Based on our review, your case does not fit the profile of the types of medical negligence cases that our firm accepts for representation. Please understand that we are not stating that there was or was not medical negligence. Instead, we are simply informing you that we do not feel that we can be of assistance in this matter.

You should understand that we do not intend to file a lawsuit on your behalf and that we will be closing our file concerning this matter.

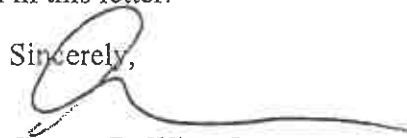
Please be aware that there is a two year statute of limitations applicable to medical negligence (malpractice) cases.

The effect of the statutes of limitations would be to bar the right to proceed with a lawsuit not filed within the applicable time frame. Should you desire to pursue this matter further, we would suggest that you contact another attorney as soon as possible.

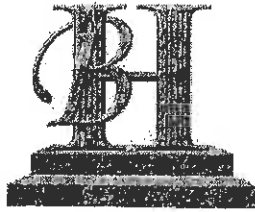
We encourage you to seek opinions from other attorneys. Other lawyers may review the records and be willing to accept representation. Under separate cover we are providing you with all records that we reviewed to assist you in getting a second opinion, should you so desire.

We are very sorry that we are not able to assist you further with this matter. There is, of course, no charge for our reviewing this information. We wish you the best of luck in pursuing this matter if that is your desire. Please contact us if you have any questions about the statute of limitations or any other information set forth in this letter.

Sincerely,


George R. Wise, Jr.
gwise@bradhendricks.com

/lal



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Caroline C. Lewis
Lloyd W. "Tré" Kitchens
Timothy M. Carr, Sr.*
Zan Davis *

* Of Counsel

January 3, 2014

Mr. Charles Coleman
2602 Kady Lane
Little Rock, AR 72206

Dear Mr. Coleman:

Enclosed are the medical records and films we obtained in our review of your case.

Sincerely,

Lea Ann Lawrence
Legal Assistant
llawrence@bradhendricks.com

/lal

Enclosures



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Timothy M. Carr, Sr. *
Zan Davis *

* Of Counsel

February 26, 2014

Mr. Charles and Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206

RE: Coleman v. Tobler and Betzold
Pulaski County Circuit Court, No. 60CV-14-798

Dear Mr. and Mrs. Coleman:

We are enclosing a copy of the lawsuit which we have filed on your behalf. We have sent the complaint to a process service to serve on the defendants. Once the complaint has been served upon the Defendants, they will normally have thirty (30) days to file an answer.

Should you have any questions, please do not hesitate to call.

Sincerely,

Lea Ann Lawrence
Legal Assistant
llawrence@bradhendricks.com

/lal

Enclosure: Complaint

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

CHARLES COLEMAN and
NELDA COLEMAN, his wife

PLAINTIFFS

VS.

NO. _____

HARMON GARETH TOBLER, M.D.
and RICHARD BETZOLD, M.D.

DEFENDANTS

COMPLAINT

Charles and Nelda Coleman, by their attorneys, the Brad Hendricks Law Firm, for their Complaint, state:

1. Charles and Nelda Coleman, husband and wife, are residents of Pulaski County, Arkansas.
2. Dr. Harmon Gareth Tobler is a surgeon and physician licensed to practice medicine in the State of Arkansas and who treated Charles Coleman at the University of Arkansas for Medical Sciences (UAMS).
3. Dr. Richard Betzold is a physician licensed to practice medicine in the State of Arkansas, who also treated Mr. Coleman at the University of Arkansas for Medical Sciences.
4. This is a cause of action for medical negligence occurring in Pulaski County, Arkansas. As such, venue and jurisdiction are appropriate in this court.
5. Charles Coleman was a patient of Dr. Harmon Gareth Tobler. In January, 2012, Dr. Tobler treated Mr. Coleman for coronary artery disease. On March 1, 2012, Mr. Coleman went to UAMS with a complaint of chest pain. Dr. Tobler admitted Mr. Coleman and sent him directly to pre-op for surgery. Later that day, Dr. Tobler performed six vessel coronary artery bypass grafting. This procedure was remarkable for "considerable blood loss".

6. Postoperatively, Mr. Coleman was taken back to the operating room for postoperative bleeding. In the operating room, they found a clot behind the heart and a substantial amount of bleeding from the posterior graft to the left anterior descending artery. On that same day, March 2, 2012, Mr. Coleman continued to have output from his chest tube with hypotension and was again taken to the operating room and found to have bleeding from his sternum and pericardium. Over the next several days, Mr. Coleman developed renal failure. Mr. Coleman had to be intubated and developed anemia. Mr. Coleman required numerous transfusions in an effort to treat severe anemia which remained uncorrected at the time that he was discharged.

7. On March 23, 2012, Mr. Coleman was seen by Dr. Richard Betzold. Although he was still anemic and had drainage from his chest tube, the chest tube and PICC line were disconnected and he was discharged home by Dr. Betzold.

8. While in the pharmacy at UAMS, Mr. Coleman complained of shortness of breath and chest pain and collapsed at the pharmacy while picking up his medications. He received chest compressions, two rounds of epinephrine and one round of atropine with a return of his pulse. He was intubated and brought to the emergency room where he was found to be in atrial fibrillation with rapid ventricular response.

9. Mr. Coleman was readmitted and taken back to the operating room where he was found to have a partial thickness laceration of the right ventricle which corresponded to the sternal edge and was thought to be due to chest compressions. The clot was evacuated, but continued bleeding was noted from the interior surface of the heart. This was found to be coming from the left internal mammary artery to left anterior descending artery anastomosis. Postoperatively, Mr. Coleman developed significant bleeding and required multiple transfusions with three liters of output through his chest tube. He was hypertensive and was felt to be in cardiogenic shock. He underwent

bedside re-exploration with removal of additional posterior pericardial clots. His sternum was left open. He was taken back to the operating room on March 25, 2012, for washout and closure of his wound. He required a tracheostomy and feeding tube placement. Mr. Coleman showed some improvement over the next several weeks and was transferred to an inpatient rehabilitation facility on April 24, 2012. At the time of his discharge to the rehabilitation facility, he remained confused.

10. Prior to performing the six vessel bypass on March 1, 2012, Dr. Tobler on January 24, 2012, reported that Mr. Coleman had in-stent restenosis of vessels previously bypassed. This was incorrect, and in fact, Mr. Coleman had left anterior descending coronary artery disease, only in the apical location, as well as left and right coronary artery disease. Bypass surgery is not recommended if there is no disease of the proximal or mid portion of the left anterior descending artery, and studies show no survival benefit in these patients. The fact that in-stent restenosis was not present at the time of surgery is further supported by the November, 2012, cardiac catheterization report showing a "nonfunctional" left internal mammary artery graft to the left anterior descending artery. In essence, this graft is nonfunctional because there was no significant disease of the native vessel proximal to the LIMA anastomosis in the first place.

11. Dr. Tobler was negligent and his negligence was the proximate cause of injury and damage to Charles Coleman by failing to properly evaluate Mr. Coleman for coronary artery bypass surgery and by performing an unnecessary coronary artery bypass surgery on Charles Coleman.

12. Dr. Betzold was negligent and his negligence was the proximate cause of injury and damage to Charles Coleman by discharging him March 23, 2012, when he was still anemic and unstable for discharge.

13. As a direct and proximate cause of the negligence of Dr. Tobler and Dr. Betzold, Charles Coleman has suffered the following damages:

- (a) Past and future medical and related expenses;
 - (b) Past and future pain, suffering and mental anguish;
 - (c) Permanent injuries;
 - (d) Visible results of the injury; and
 - (e) Past and future loss of income and loss of earning capacity.
14. Nelda Coleman has suffered the loss of consortium of her husband.
15. Charles and Nelda Coleman request a jury trial.

WHEREFORE, Charles and Nelda Coleman, pray that they be awarded damages in excess of the federal jurisdictional limit and for all other relief to which they may be entitled.

Respectfully submitted,

THE BRAD HENDRICKS LAW FIRM
500 C Pleasant Valley Drive
Little Rock, AR 72227
(501) 221-0444
(501) 219-0608 (fax)

BY: 

GEORGE R. WISE, JR., ABN 78171



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Matthew E. Hartness †
Caroline C. Lewis
Lloyd W. "Tré" Kitchens
Timothy M. Carr, Sr.*
Zan Davis *

* Of Counsel

March 3, 2014

Mrs. Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206


Dear Mrs. Coleman:

This letter is to confirm our agreement regarding filing a complaint on Mr. Coleman's behalf and your behalf. By now you should have received a copy of the file marked complaint. As we agreed, we will serve this on the doctors. Once the doctors file an answer, we will dismiss this case without prejudice. Once of the case is dismissed without prejudice, you will have one year from that date to re-file the complaint.

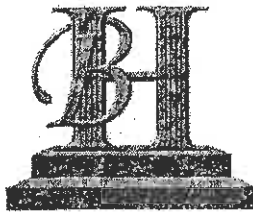
We suggest you begin searching for new counsel immediately. Because we disagree about how to best present this case, it is in your interest that you find other lawyers to represent you. We want to be clear that we cannot and will not proceed with this case. Because of the closeness of the statute of limitations, we did agree to assist you by filing a complaint so that your rights would be protected.

If you have any questions or if you are not clear on our agreement, please call me immediately.

Sincerely,


George R. Wise, Jr.
gwise@bradhendricks.com

GRW/lal



THE BRAD HENDRICKS
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Little Rock, Arkansas 72227
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†† Also Licensed in Texas & Missouri

Matthew E. Hartness †
Caroline C. Lewis
Lloyd W. "Tre" Kitchens
Timothy M. Carr, Sr. *
Zan Davis *

* Of Counsel

April 4, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and Regular Mail

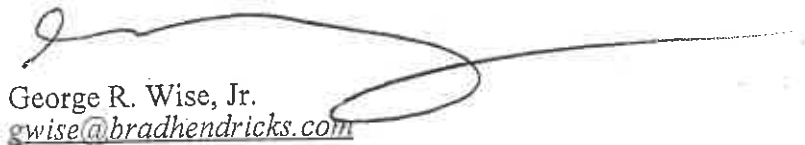
Mrs. Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206

Dear Mrs. Coleman:

Enclosed you will find an order which was entered on March 31, 2014. The effect of this order is to dismiss your and Mr. Coleman's case without prejudice. As we discussed, this firm is unwilling to go forward to trial with your case; however, because the statute of limitations was approaching, we did agree to file it to protect your right to continue this case with another law firm. The effect of a dismissal without prejudice means that you have one year from the date of the dismissal to re-file the case. In other words unless the case is re-filed on or before March 30, 2014, your rights to pursue this matter will be forever barred. We suggest you contact other lawyers immediately and hope that you find someone willing to continue this matter through trial.

We wish you the best of luck in continuing to pursue this case. If we can be of assistance to other attorneys, please have them contact us.

Sincerely,



George R. Wise, Jr.
gwise@bradhendricks.com

GRW/lal

Enclosure

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

CHARLES COLEMAN AND NELDA
COLEMAN, HIS WIFE

PLAINTIFFS

vs.

Case No. 60CV-14-798

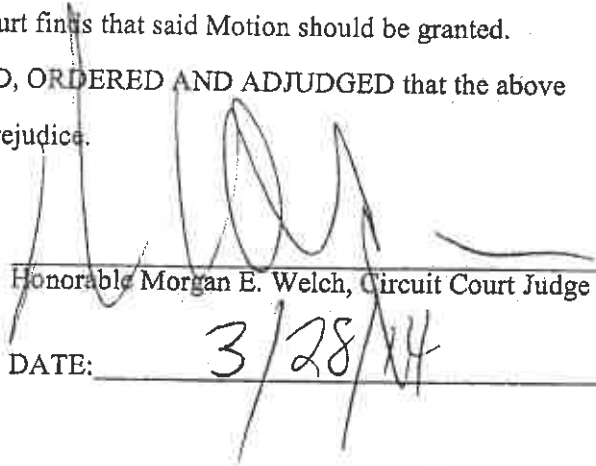
HARMON GARETH TOBLER, M.D.
AND RICHARD BETZOLD, M.D.

DEFENDANTS

ORDER FOR NON-SUIT

Now on this day, comes on to be heard Plaintiffs' Motion for Non-Suit and being sufficiently advised in the premises, the Court finds that said Motion should be granted.

THEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that the above cause be and is hereby dismissed without prejudice.


Honorable Morgan E. Welch, Circuit Court Judge

DATE: 3/28/14

PREPARED BY:

George R. Wise, Jr., A.B.N. 78171
The Brad Hendricks Law Firm, P.A.
500 C Pleasant Valley Drive
Little Rock, AR 72227
(501) 221-0444
(501) 219-0608 facsimile

ATTORNEY FOR PLAINTIFFS

3-7-2014

Charles and Nelda Coleman

2602 Kady Ln

L.R. AR 72206

501-744-6072

501-892-2157

3-8-2012

Doctors ordered 43,960.00 Blood
✓ NO documentation of giving blood
on why. Blood was ordered through
out the month, NO documentation
of giving or why.

Nelda Coleman

Arkansas Claims Commission
JAN 28 2015
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHARLES & NELDA COLEMAN

CLAIMANTS

V.

NO. 15-0482-CC

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES

RESPONDENT

REPLY TO PLAINTIFFS' RESPONSE TO
RESPONDENT'S MOTION TO DISMISS

Claimants filed paper work in response to Respondent's motion to dismiss claiming that they were told that they had three years from the date of the incident to file a lawsuit or that they had one year from the time of the dismissal of their state law claim to re-file a claim. The response is inaccurate and the claim must be dismissed.

With regard to the argument for three years from the date of the incident, Claimants are incorrect. Regardless of the source of their information, state law is clear that in a medical negligence case, a claim must be filed within two year. See Ark. Code Ann. § 16-114-203. Moreover, state law is clear that if an action would be dismissed from a court for any reason other than sovereign immunity, the Commission must also dismiss it. See Ark. Code Ann. § 19-10-204(b)(3)(A). Additionally, according to the Rules of the Arkansas State Claims Commission, Claims Excluded, "[c]laims based on incidents beyond the statutorily applicable code of limitations are not accepted for filing." Claimants have filed this matter alleging that UAMS was negligent in releasing Mr. Coleman from the hospital in March 2012. It is clear that Claimants' case is one for medical negligence. Because Claimant did not file anything with the Commission until December 2014, Claimants' medical negligence claim is barred by the statute of limitations.

With regard to the argument that they had one year to re-file the action from the time of dismissal in state court, Claimants did not sue UAMS in state court or any other forum prior to the Claims Commission case. See Exhibit 1, Complaint filed in Pulaski County, 60CV-14-798. Claimants named only Drs. Tobler and Betzold and not the Board of Trustees for the University of Arkansas or UAMS. In order to resurrect a lawsuit under the savings statute, a lawsuit must be filed and served against a defendant prior to the statute of limitations and be re-filed within one year of a nonsuit. See Ark. Code Ann. 16-56-126(a). Claimants have not filed and served against UAMS within the statute of limitations; consequently, the one-year to re-file the action did not apply to UAMS.

Claimants have filed this matter with the Commission beyond the statute of limitations for a medical negligence action and they have not filed in any forum against UAMS prior to the statute of limitations. Consequently, as a matter of law, the claim must be dismissed.

WHEREFORE, Respondent respectfully requests that the Commission grant its motion to dismiss and for all other relief to which it may be entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES,
Respondent

By:



SHERRI L. ROBINSON, #97194

Associate General Counsel

University of Arkansas for Medical Sciences

4301 West Markham, Slot 860

Little Rock, AR 72205

(501) 686-7608

Srobinson3@uams.edu

Attorney for Respondent

CERTIFICATE OF SERVICE

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on claimant herein by mailing a copy of same, by U.S. Mail, postage prepaid, this 26th day of January, 2015, addressed to the following:

Charles and Nelda Coleman
2602 Kady Lane
Little Rock, AR 72206



Sherri L. Robinson

Arkansas
State Claims Commission

JAN 30 2015

RECEIVED

Arkansas State Claim Commission
101 East Capitol, Suite 410
Little Rock, AR 72201

Re: Charles and Nelda Coleman v. UAMS
No. 15-0482-CC

university of ARKANSAS for medical sciences
cc: Sherrie L. Robinson
Associate General Counsel
4301 West Markham Street, #860
Little Rock, AR 72205-7199

Arkansas State Claims Commission
101 East Capital, Suite 410
Little Rock, AR 72201

Claimnants:
Charles and Nelda Coleman
Case: N15-0482-CC

Respondant:
University of Arkansas of Medical Sciences

Arkansas
State Claims Commission
JAN 30 2015

RECEIVED

Motion: Rresponse to Claimnants Motion to Dismiss

Claimnants filed a complaint against University of Arkansas of Medical Sciences for personal injury, that Dr. Harmon Tobler and Dr. Richard Betzold caused against Charles Coleman. The motion was a non-suit, which gave Claimnants a year to seek counsel. The motion was not dismissed by the court, Brad Hendricks Law Firm stated, claimnants case does not fit the profile of medical negligence, that his firm would accept. The State of Arkansas or any state agency, board, commissioner or institution cannot be sued in state courts. Dr. Harmon Tobler and Dr. Richard Betzold are employees of University of Arkansas of Medical Sciences, which makes University of Arkansas of Medical Sciences responsible for their actions.

CC: Sherrie L. Robinson
Associate General Counsel
4301 West Markham Street, #860
Little Rock, AR 72205-7199

Nelda Coleman
Nelda Coleman

Charles Coleman
Charles Coleman



State of Arkansas
County of Pulaski

Sworn before me this 30th day of January 2015

My Commission Expires 5/24/2015

Dennis N. White

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

CHARLES COLEMAN AND NELDA
COLEMAN, HIS WIFE

PLAINTIFFS

vs.

Case No. 60CV-14-798

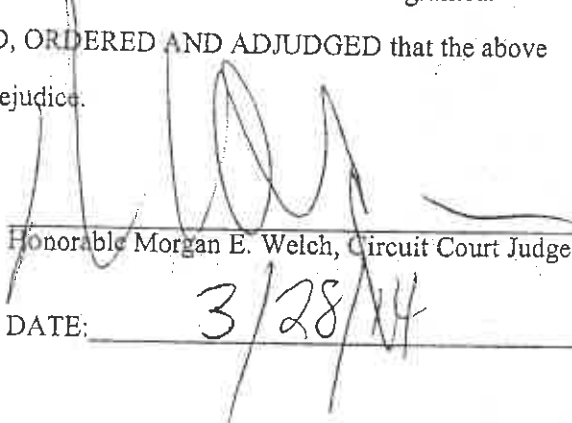
HARMON GARETH TOBLER, M.D.
AND RICHARD BETZOLD, M.D.

DEFENDANTS

ORDER FOR NON-SUIT

Now on this day, comes on to be heard Plaintiffs' Motion for Non-Suit and being sufficiently advised in the premises, the Court finds that said Motion should be granted.

THEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that the above cause be and is hereby dismissed without prejudice.


Honorable Morgan E. Welch, Circuit Court Judge

DATE: 3/28/14

PREPARED BY:

George R. Wise, Jr., A.B.N. 78171
The Brad Hendricks Law Firm, P.A.
500 C Pleasant Valley Drive
Little Rock, AR 72227
(501) 221-0444
(501) 219-0608 facsimile

ATTORNEY FOR PLAINTIFFS

Arkansas
State Claims Commission

JAN 30 2015

RECEIVED

ADDENDUM TO HEADING

Arkansas State Claims Commission

101 East Capital, Suite 410

Little Rock, AR 72201

Claimnants:

Charles and Nelda Coleman

Case: N15-0482-CC

Respondant:

University of Arkansas of Medical Sciences

Arkansas Claims Commission

FEB 02 2015

RECEIVED

Motion: Claimnants to Respondent Motion to Dismiss

Claimants filed a complaint against University of Arkansas of Medical Sciences for a personal injury, that Dr. Harmon Tolber and Dr. Richard Betzold caused against Charles Coleman. The Motion was a non-suit, which gave Claimnants a year to seek counsel. The motion was not dismissed by the court. Brad Hendricks Law Firm stated, claimnants case does not fit the profile of medical negligence, that his firm would accept. The State of Arkansas or any state agency, board, commissioner or institution cannot be sued in state courts. Dr. Harmon Tobler and Dr. Richard Berzold and employees of University of Arkansas of Medical Sciences, which makes University of Arkansas of Medical Sciences Responsible for their actions.

CC: Sherrie L. Robinson

Associate General Counsel

4301 West Markham Street, #860

Little Rock, Ar 72205-7199

Nelda Coleman
Nelda Coleman

Charles Coleman
Charles Coleman

STATE OF ARKANSAS
County of Pulaski

Sworn before me this 31ST day of
January 2015.



Dennis N. White

My Commission Expires 5/24/2015

28

STAT. CLAIMS COMMISSION DECISION
OPINION

Amount of Claim \$?

Claim No. 15-0482-CC

Charles Coleman Claimant vs. Pro se Claimant
Attorneys

UA-Medical Sciences Respondent Sherri Robinson, Attorney Respondent
State of Arkansas

Date Filed December 22, 2014 Type of Claim Personal Injury, Mental Anguish, Pain & Suffering, Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss." This is a matter the Claims Commission has no jurisdiction over, as the claim itself involves doctors of UAMS. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss." This is a matter the Claims Commission has no jurisdiction over, as the claim itself involves doctors of UAMS. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing February 5, 2015

Date of Disposition February 5, 2015


Chairman

Commissioner

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

Arkansas State Claims Commission

101 East Capitol, Suite 410

Little Rock, Ar 72201

Appeal

Arkansas Claims Commission
FEB 11 2015
RECEIVED

Claimnants:

Charles and Nelda Coleman

Case: N15-0482-CC

Respondant:

University of Arkansas of Medical Sciences

Please reconsider the Medical Negligence claim.

Respectfully Your,


CC: Sherry L Robinson #97194


Associate General Counsel

University of Arkansas for Medical Sciences

4301 West Markham, Slot 860

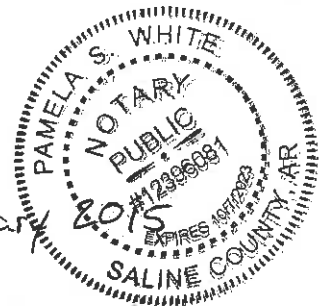
(501) 686-7608


Nelda Coleman



Charles Coleman

State of Arkansas
County Of Pulaski.

Sworn before me this 10th Day of February 2015



My Commission Expires
10/7/2023


Pamela S. White

STATE CLAIMS COMMISSION Docket
OPINION

Amount of Claim \$?

Claim No. 15-0482-CC

Charles Coleman

Claimant

Attorneys

Pro se

Claimant

vs.

UA-Medical Sciences

Respondent

Sherri Robinson, Attorney

Respondent

State of Arkansas

Date Filed December 22, 2014

Type of Claim Personal Injury, Mental Anguish, Pain
& Suffering, Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's February 5, 2015, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's February 5, 2015, order remains in effect.

Date of Hearing March 11, 2015

Date of Disposition March 11, 2015

Chairman

Commissioner

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

Arkansas State Claims Commission
101 East Capitol, Suite 410
Little Rock, Ar. 72201

Arkansas
State Claims Commission
MAR 16 2015

RECEIVED


Claimnants:
Charles and Nelda Coleman
Case: N15-0482-CC

Respondant:
University of Arkansas of Medical Sciences

I would like this case Appealed with the Arkansas State Legislature.
We just received two big boxes of medical records December 2014, These records were concealed from us almost three years. I am going through New Medical Records Now.

Respectfully your.

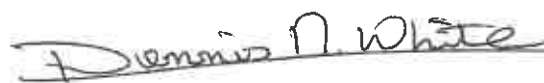
CC: Sherry L Robinson #97194
Associate General Counsel
University of Arkansas for Medical Sciences
4301 West Markham, Slot 860
Little Rock Ar.


Charles Coleman


Nelda Coleman

State Of Arkansas
County Of Pulaski

Sworn before me this 16th day of March 2015



Comm Ex 5/24/2015



NEW MEDICAL RECORDS

I CALLED Mrs. Clark, Assistant to the C.E.O. December 2014 and told her about medical records that were concealed from me, I had tried for over a year to get these records, But Medical Records (Supervisor) Mrs. Murphy kept telling me I had them all or the doctors had them, Mrs . Clark told them to give me all the records, They gave me two big boxes of records December, 2014. I called Mrs. Clark back and told her medical records are still Missing, Altered, and Modified. She said they say they gave you all of them, I stated no they did not give me all of them. She stated just file it in court Nelda.

December, 2014
NEW MEDICAL RECORDS

New Records reveal more Surgeries Unknown To Family
3-14-2012—08: Orders to Transfer Patient to H-4, service: surgery
Stop Date – 3-14-2012 -09:24

3-14-2012—09:25, Orders to Transfer Patient, Service: Surgery
Stop Date 3-18-2012-07:45

3-17-2012—06:17, Orders to Transfer Patient, Service: Surgery
Stop Date 3-23-2012-13:46

3-18-2012—08:30, Orders to Transfer Patient, Service: Surgery
Stop Date 3-23-2012-13:46

The Order for Surgery Stop Date 3-23-2012—13:46
The day of discharge.

Nelda Coleman
Nelda Coleman

Charles Coleman
Charles Coleman

STATE of Arkansas
County of Pulaski

Sworn before me
this 16th day of March
2015.

Dennis N. White
Comm Ex 5/24/2015



IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
HON. MORGAN E. WELCH - 16TH DIVISION 6TH CIRCUIT

CHARLES COLEMAN ET AL V UAMS ET AL

60CV-15-1033

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCE

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) - or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas - you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

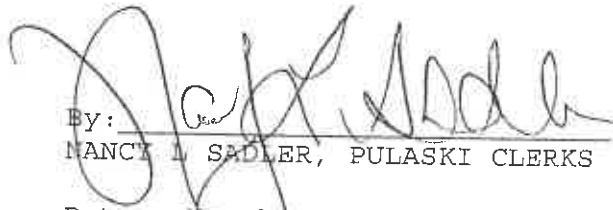
If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional notices:

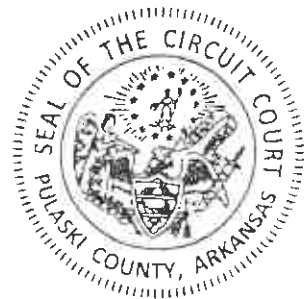
Address of Clerk's Office

LARRY CRANE, CIRCUIT CLERK
CIRCUIT COURT OF PULASKI COUNTY
401 W MARKHAM
LITTLE ROCK, AR 72201

CLERK OF COURT

By:  , DC
NANCY L. SADLER, PULASKI CLERKS
Date: March 13, 2015

[SEAL]



No. 60CV-15-1033 This summons is for UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCE (name of Defendant).

PROOF OF SERVICE

☐ I personally delivered the summons and complaint to the individual at _____ [place] on _____ [date]; or

☐ I left the summons and complaint in the proximity of the individual by _____ after he/she refused to receive it when I offered it to him/her; or

☐ I left the summons and complaint at the individual's dwelling house or usual place of abode at _____ [address] with _____ [name], a person at least 14 years of age who resides there, on _____ [date]; or

☐ I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant] on _____ [date]; or

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

☐ Other [specify]: _____

☐ I was unable to execute service because:

My fee is \$ ____.

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____
[Signature of server]

[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____

By: _____
[Signature of server]

[Printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

Notary Public

My commission expires: _____

Additional information regarding service or attempted service:

Return filed this _____ day of _____, _____

LARRY CRANE, CIRCUIT CLERK

By: _____ D.C.
NANCY L SADLER, PULASKI CLERKS

ELECTRONICALLY
FILED
MAR 13 2015

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

CHARLES COLEMAN and
NELDA COLEMAN, his wife

PLAINTIFFS
pro-se

VS.

NO. WCV-15-1033-16TH
UNIVERSITY OF AR MEDICAL SCIENCE

HARMON GARETH TOBLER, M. D.

DEFENDANTS

And RICHARD BETZOLD, M. D.

COMPLAINT

This action is brought pursuant to the Defendant's (University of Arkansas Medical Science, Harmon Gareth Tobler, MD. and Richard Betzold, MD.) Violation of 2010 Arkansas Code: Title 16; subtitle 7, Chapter 114; subchapter 2 section 16--114--206 (Medical Malpractice).

Charles and Nelda Coleman, pro-se, for their Complaint, state:

1. Charles and Nelda Coleman, husband and wife, are residents of Pulaski County, Arkansas.
2. Dr. Harmon Gareth Tobler is a surgeon and physician licensed to practice medicine in the State of Arkansas and who treated Charles Coleman at the University of Arkansas for Medical Sciences (UAMS).
3. Dr. Richard Betzold was not a physician licensed to practice medicine in the State of Arkansas and who treated Charles Coleman at the University of Arkansas for Medical Sciences (UAMS).
4. This is a cause of action for medical negligence occurring in Pulaski County, Arkansas. As such, venue and jurisdiction are appropriate in this court.
5. May 7, 2011, Charles Coleman went to University of Arkansas for Medical Sciences Emergency Room for Breathing Problems, Dr. Nitin Relia stated she thought he had undiagnosed (COPD).
6. May 7, 2011, Dr. Sudhir Thaduri stated it appears (COPD) also at (UAMS).
7. May 17, 2011, Charles Coleman went to Baptist Hospital (LR). They did mention 3- vessel Bypass, but revised it and said likely (COPD). No Active cardiopulmonary disease, Baptist stated (UAMS) medical records stated no Cardiac Catheterization since 2004.

June 16, 2012, Charles Coleman went back to (UAMS), instead of doctors following up on (COPD) they chose to go with 3-vessel bypass.

August 16, 2011 (UAMS) requested Baptist Hospital Medical Records, Cardiac Catheterization, Test were done on Mr. Coleman, May 2011, at Baptist hospital - Mr. Coleman surgery was done March 1, 2012.

January 24, 2012, Dr. Tobler stated Baptist Cardiac Catheterization showed significant three vessel coronary disease with in-stent stenosis in his left anterior descending, But Medical Records from (UAMS) reveal No Stenosis.

June 16, 2011—No Stenosis.

January 10, 2012—No Stenosis.

March 1, 2012—No Stenosis.

March 1, 2012

Mr. Coleman was scheduled to have surgery, But instead went to the Emergency room, for chest pain. Dr. Tobler took him to pre-op and later that day did the surgery. A three vessel By-Pass turned into a six vessel By-pass with grafting.

Mr. Coleman was taken back to the operating room for postoperative Bleeding: they found a clot behind the heart and a substantial amount of Bleeding from the posterior graft to the left anterior descending artery. On the same day March 2, 2012, Mr. Coleman continued to have Bleeding from his chest tube with hypotension and was again taken to the Operating Room and found to have Bleeding from his sternum and pericardium. Over the next several days, Mr. Coleman developed renal failure. Mr. Coleman had to be intubated and developed anemia, Mr. Coleman required numerous transfusions in an effort to treat severe anemia, which remained uncorrected at the time he was discharged, March 23, 2012., Interventional Radiology Procedure Draining. March 8, 2012 \$43,960.00 Blood was ordered for one day, March 19, 2012 over \$3000.00 Blood was ordered, But Documentation is missing in medical records, I found Blood ordered in patient payment account.

On March 23, 2012 Mr. Coleman was seen by Dr. Betzold although he was still anemic and had Drainage from his chest tube. picc line and chest tube were disconnected and he was discharged home by Dr. Betzold, Who was a student and did not have Authority to discharge Mr. Coleman Unless Dr. Tobler signed off on it.

WHILE IN THE Wal-Green Pharmacy on main st. Little Rock, Mr. Coleman complained of shortness of breath and chest pain and collapsed at the pharmacy while picking up his discharge medication, Less than 30 Minuted of discharge, Mems was dispatched to Wal- Green Pharmacy, He received chest

compressions, two rounds of epinephrine and one round of atropine with a return of his pulse, He was Intubated and brought back to (UAMS) Emergency Room.

Dr. Tobler stated to the AR State Medical Board, Mr. Coleman did not collapse in Wal- green Pharmacy, But in (UAMS) pharmacy and a upper level resident came down, Checked Mr. Coleman, nothing of concern and he waited on his medicine.

March 23, 2012

Day of readmit after the code in the pharmacy, medical records stated Hemoglobin & Hematocrit (H&H) has remained stable for several days and it is unlikely that he is having any acute bleeding. But Medical records state for several days before discharge (H&H) was low.

3-19-2012—H&H low

3-20-2012—H&H low

3-21-2012—H&H low

3-22-2012—H&H low

3-23-2012—H&H low

March 23, 2012

READMITTED

Mr, Coleman was readmitted less then 30 minutes after discharge and taken back to surgery March 24,2012 @2:30am,Where he was found to have a partial thickness laceration of the right ventricle which corresponded to the sternal- edge and was thought to be due to chest compressions. The clot was evacuated, But continued bleeding,

and was noted to be from the interior surface of the heart. This was found to be coming from the left internal mammary artery to left anterior descending artery anastomosis. Postoperatively, Mr. Coleman developed significant bleeding and required multiple transfusions with three liters of output through his chest tube. March 24, 2012 @ 14:30am, He was hypertensive and was felt to be in cardiogenic shock. He under went bedside re- exploration with removal of additional posterior pericardial clots, His sternum was left open . No one said anything to me or family members about the surgery March 24, 2012 @ 14:30am. Not even the next day. March 25,2012 Doctors notified me they were taking Charles back for washout & Closure. I found out about the (ICU) surgery in medical records, He required a tracheostomy and feeding tube placement.

July 24, 2014

Dr. Betzold stated too the AR state Medical Board, Mr Coleman did not receive any Blood Products after March 2, 2012. But Medical Records state:

March 6, 2012

POST-OP Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 7, 2012

Post-OP Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 8 2012

Post -OP Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 8, 2012

\$43,960.00 Blood was ordered. Found in patient payment account, Not Medical Records

March 9 2012

Post-op Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 9, 2012

Post-OP Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 10, 2012

Post-OP Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 11 2012

Post-op Anemia with need for multiple blood product transfusions, NOW STABILIZING

March 11, 2012

Medical Records state Hold Heparin, Given Platelets

March 13, 2012

Post -op Anemia with need for multiple blood product transfusions, NOW STABILIZING

(March 14, 2012 TO March 21, 201200)

BLOOD Transfusions

March 16, 2012—Anemia with need for multiple blood products transfusions, EXPECTED< WATCHING.
Transfuse 1 unit PRBCs Today.

March 17, 2012

INTAKE & OUTPUT

PRBCs(packed red blood cells) given

March 19, 2012

3000.00 BLOODS ORDERED

found in patient payment account.

Medical Records:

Respiratory Care Assessment/Intervention records are Altered, Modified, They do not match other files. Different peoples, Different times, Same documentation.

Multiple Falls

4-18-2012

St. Vincent Select Rehabilitation would not accept Mr. Coleman with restraints on hands & feet. (UAMS) took restraints off of Mr. Coleman, The doctor that treated Mr. Coleman injury from the falls, stated this patient needs a sitter. (UAMS) knew Mr. Coleman was confused and a danger to himself, Which resulted in multiple falls. No one notified the family of any falls, I found in medical records.

NEW MEDICAL RECORDS

I called Mrs. Clark, Assistant to the C.E.O., December, 2014 and told her about medical records that were concealed from me, I had tried for over a year to get these records, But Medical Records (Supervisor) Mrs. Murphy kept telling me I had them all or the doctors had them, Mrs. Clark told them to give me all the records, they me two big boxes of records December, 2014. I called Mrs. Clark back and told her medical records are still missing, Altered, and Modified. She said they say they gave you all of them. File it in court Nelda.

December, 2014

New Records Reveal more Surgeries Unknown to family.

3-14-2012—08:; Orders to Transfer Patient to H-4, Service: Surgery
Stop Date 3-14-2012-09:24

3-14-2012—09:25, Orders to Transfer Patient, Service: Surgery
Stop Date 3-18-2012-07:45

3-17-2012—06:17, Orders to transfer Patient, Service: Surgery
Stop Date 3-23-2012-13:46

3-18-2012—08:30, Orders To Transfer Patient, Service: Surgery
Stop Date 3-23-2012-13:46

The Order for Surgery Stop Date 3-23-2012-13:46
The Day of Discharge.

Prior to performing the six vessel bypass on March 1, 2012, Dr. Tobler on January 24, 2012, reported that Mr. Coleman had In-Stent Stenosis of vessels previously Bypass. This was incorrect, and in fact Mr. Coleman had left anterior descending coronary disease, only in the apical location, as well as left

and right coronary artery disease. Bypass surgery is not recommended if there is no disease of the proximal or mid portion of the left anterior descending artery, and studies show no survival benefit in these patients. The fact that In-Stent Stenosis was not present at the time of surgery is further supported by the November 2012, Cardiac Cauterization report, showing a "nonfunctional" left internal mammary artery graft to the left anterior descending artery, in essence the graft is nonfunctional because, there was no significant disease of the native vessel proximal to the LIMA anastomosis in the first place.

Dr. Tobler was negligent and his negligence was the proximate cause of injury and damage to Charles Coleman, by failing to properly evaluate Mr. Coleman for coronary artery bypass surgery and by performing an unnecessary coronary artery bypass surgery on Charles Coleman.

Dr. Tobler was negligent for not properly monitoring Dr. Betzold who at the time was a student who didn't have a license, or a temporary license.

Dr. Betzold was negligent and his negligence was the proximate cause of injury and damage to Charles Coleman by discharging him March 23, 2012 while he was still anemic and unstable for discharge.

Dr. Betzold knew he did not have the authority to discharge Charles Coleman home, he also knew Mr. Coleman was bleeding, and he sent him out the door to die.

As a direct and proximate cause of the negligence of Dr. Tobler and Dr. Betzold, and their insurance carriers, Charles Coleman has suffered the following:

- (A) Past and future medical and related expenses.
- (B) Past and future pain, suffering, and mental anguish.
- (C) Permanent injuries
- (D) Visible results of the injuries
- (E) Past and future loss of income and loss of earning capacity.

Charles and Nelda Coleman, request a jury trial.

WHEREFORE, Charles and Nelda Coleman pray that they be awarded damages in excess of the federal and state jurisdictional limit and for all other relief to which they may be entitled.

Respectfully submitted,

Charles and Nelda Coleman

Charles and Nelda Coleman
2602 Kady Ln

Little Rock, AR 72206

(501)897-2157 or (501)744-6072

UAMS Medical Center
UAMS Final Order Summary



Patient:	Coleman, Charles E	MRN: 000627221
DOB:	07-27-1950 Age: 61y	Acct#: 006272215-2061
Attending:	Tobler, Harmon G (3451)	Gender: Male
Admit Dtm:	03-01-2012 14:31	Discharge Dtm: 03-23-2012 13:46
Location:	178-823-01	

Unsuspended 03-14-2012 08:38 **ID 106 OT Evaluate & Treat: General**

001DMGHCZ

Routine
Reason: Cardiac Rehab
Evaluation completed. Tx in progress

Entered By: Franklin, Patricia L

Requested: 03-01-2012 Routine

Stop Date: 03-23-2012 Stop Time: 13:46

Electronically Signed Order

Franklin, Patricia L, APN, Adv.
Practitioner

Order ID: 001DMGHCZ History

Function	Entered By	New Status	Acct# 006272215-2061 Reason
Acknowledged 03-01-2012 16:50	Kempkes, Rebecca L	Active	
Acknowledged 03-02-2012 11:27	Williams-Johnson, Venecia M	Active	
Acknowledged 03-02-2012 11:27	Williams-Johnson, Venecia M	Active	Suspended
Acknowledged 03-14-2012 08:55	Smith, Seaghan L	Active	Suspended
Acknowledged 03-15-2012 13:27	Young, Carol A	Active	Unsuspended
			Modified

Entered 03-14-2012 08:42

ID 101 Transfer To

001DNJQBB

Unit 14; General Floor Bed; Service: Surgery
Attending: Tobler, Harmon G - CT Surg - 003451
<Session:>Standard;*Auto Activate.

Entered By: Franklin, Patricia L

Requested: 03-14-2012

Stop Date: 03-14-2012 Stop Time: 09:24

Electronically Signed Order

Franklin, Patricia L, APN, Adv.
Practitioner

Order ID: 001DNJQBB Alerts

Description	Comments	Status	Acknowledged By/When
Use View Actions... Button to Manage Current Patient Orders		Acknowledged	Franklin, Patricia L 03-14-2012 08:40

Order ID: 001DNJQBB History

Function	Entered By	New Status	Acct# 006272215-2061 Reason
Acknowledged 03-14-2012 08:55	Smith, Seaghan L	Active	
Acknowledged 03-14-2012 09:49	Smith, Seaghan L	Discontinued	Discontinued

Requested By: SCM, Report Scheduler (UAMS IT)

Mar-28-2012 10:21 PRINTED BY: DMHEARD

Printed from: UAMS Med Cntr
11/20/2014

UAMS Medical Center
UAMS Final Order Summary



Patient:	Coleman, Charles E	MRN: 000627221
DOB:	07-27-1950 Age: 61y	Acct#: 006272215-2061
Attending:	Tobler, Harmon G (3451)	Gender: Male
Admit Dtm:	03-01-2012 14:31	Discharge Dtm: 03-23-2012 13:46
Location:	18-823-01	

Entered 03-14-2012 09:25 **ID 103 Transfer To**

001DNJRQP

Unit F8; General Floor Bed; Service: Surgery
 Attending: Tobler, Harmon G - CT Surg - 003451

Discontinued - Mar-18-2012 07:45.

Entered By: Mercer, Leaann

Requested: 03-14-2012

Stop Date: 03-18-2012 Stop Time: 07:45

Requested By: Betzold, Richard D (8837)

Source: 004 Telephone

Electronically signed by:

Betzold, Richard D (8837), MD, Resident

Signed On: 3/18/2012 10:09:49 AM

Order ID: 001DNJRQP Alerts

Description	Comments
Use View Actions... Button to Manage Current Patient Orders	

Status	Acknowledged By/When
Acknowledged	Franklin, Patricia L 03-14-2012 09:25

Order ID: 001DNJRQP History

Function	Entered By
Acknowledged 03-14-2012 09:49	Smith, Seaghan L
Acknowledged 03-18-2012 07:49	Mercer, Leaann
Signed 03-18-2012 10:09	Betzold, Richard D (8837)

New Status	Acct# 006272215-2061
Active	Reason
Discontinued	Discontinued
Discontinued	Order signed ID 103

Discontinued and Reorder 03-14-2012 15:51 **ID 107 Cefazolin Inj**

001DNFLZN

(Ancef), 2,000 mg in D5W 100 ml, IV Piggyback, every eight (8) hours
 Infuse over 30minute(s);

Discontinued - Mar-14-2012 15:51. New order ID is 001DNKSKY.

Entered By: Benavides, Philip (8835)

Requested: 03-12-2012 Now

Stop Date: 03-14-2012 Stop Time: 15:51

Electronically Signed Order

Benavides, Philip (8835), MD,
 Resident

Order ID: 001DNFLZN Alerts

Description	Comments
Patient Allergy SMM Patient Allergy	Ok. Patient had a rash with PCN

Status	Acknowledged By/When
Acknowledged	Benavides, Philip (8835) 03-12-2012 17:55
Acknowledged	Davis, Kerri L 03-12-2012 17:58

Order ID: 001DNFLZN History

Function	Entered By
Rx Verified Only 03-12-2012 17:58	Davis, Kerri L
Acknowledged 03-12-2012 20:38	Young, Samuel Aaron
Acknowledged 03-13-2012 08:59	Courtney, Kady M
Acknowledged 03-14-2012 15:54	Shuler, Allen C

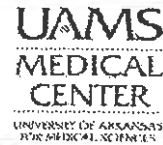
New Status	Acct# 006272215-2061
Active	Reason
Active	
Active	Modified
Discontinued	Discontinued & Reordered

Requested By: SCM, Report Scheduler (UAMS IT)

Mar-28-2012 10:21 PRINTED BY: DMHEARD

Printed from: UAMS Med Cntr
 11/20/2014

UAMS Medical Center
UAMS Final Order Summary



Patient:	Coleman, Charles E		MRN: 000627221
DOB:	07-27-1950	Age: 61y	Acct#: 006272215-2061
Attending:	Tobler, Harmon G (3451)		Gender: Male
Admit Dtm:	03-01-2012 14:31	Discharge Dtm: 03-23-2012 13:46	
Location:	18-823-01		

Entered 03-17-2012 06:15 **ID 101 CT Chest with Contrast** 001DNRCQF

Brief Clinical Hx: Off pump CABG Hx with new SOB and low PaO2 on ABG. R/O PE. Requesting MD Contact Number: CT pager

Additional Information: PE protocol

<Session:>Standard;*Auto Activate.

Entered By: Kalkwarf, Kyle J (8890)

Requested: 03-17-2012 STAT

Stop Date: N/A Stop Time: N/A

Electronically Signed Order

Kalkwarf, Kyle J (8890), MD, Resident

Order ID: 001DNRCQF History

Function

Acknowledged 03-17-2012 06:17

Updated 03-17-2012 06:51

Entered By

Propps, Sheree R

SCM, Interfaces

New Status

Active

Active

Acct# 006272215-2061

Reason

Filler Order ID: <6208250> Filler Facility ID: <HNA>

Entered 03-17-2012 06:17 **ID 101 Transfer To** 001DNRCQS

Unit H4; Surgical ICU; Service: Surgery

Attending: Tobler, Harmon G - CT Surg - 003451; Team: Thoracic Surgery - THS

<Session:>Standard;*Auto Activate.

Entered By: Kalkwarf, Kyle J (8890)

Requested: 03-17-2012

Stop Date: 03-23-2012 Stop Time: 13:46

Electronically Signed Order

Kalkwarf, Kyle J (8890), MD, Resident

Order ID: 001DNRCQS Alerts

Description

Use View Actions... Button to Manage Current Patient Orders

Comments

Status

Acknowledged

Acknowledged By/When

Kalkwarf, Kyle J (8890) 03-17-2012 06:16

Order ID: 001DNRCQS History

Function

Acknowledged 03-17-2012 06:17

Entered By

Propps, Sheree R

New Status

Active

Acct# 006272215-2061

Reason

Canceled (external) 03-17-2012 07:27 **ID 103 Chest Xray, Frontal** 001DNQXPN

Routine; PORTABLE EXAM. Brief Clinical Hx: s/p cabg. Requesting MD Contact Number: ct surg

Filler Order ID: <6207686> Filler Facility ID: <HNA>

Entered By: SCM, Interfaces

Requested: 03-17-2012 Routine

Stop Date: 03-17-2012 Stop Time: 07:27

Electronically Signed Order

Order ID: 001DNQXPN History

Function

Acknowledged 03-17-2012 00:41

Acknowledged 03-17-2012 07:54

Entered By

Propps, Sheree R

Mercer, Leann

New Status

Active

Canceled by Performing Canceled (external) Department

Acct# 006272215-2061

Reason

Requested By: SCM, Report Scheduler (UAMS IT)

Mar-28-2012 10:21 PRINTED BY: DMHEARD

Printed from: UAMS Med Cntr
11/20/2014

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UAMS Medical Center
UAMS Final Order Summary



Patient:	Coleman, Charles E		MRN: 000627221
DOB:	07-27-1950	Age: 61y	Acct#: 006272215-2061
Attending:	Tobler, Harmon G (3451)		Gender: Male
Admit Dtm:	03-01-2012 14:31	Discharge Dtm: 03-23-2012 13:46	
Location:	18-823-01		

Entered 03-18-2012 08:30 **ID 101 Transfer To** 001DNSLCX

Unit F7; General Floor Bed; Service: Surgery
 Attending: Tobler, Harmon G - CT Surg - 003451

<Session:>Standard;*Auto Activate.

Entered By: Betzold, Richard D (8837)	Requested: 03-18-2012	Stop Date: 03-23-2012 Stop Time: 13:46
		Electronically Signed Order
		Betzold, Richard D (8837), MD,
		Resident

Order ID: 001DNSLCX Alerts

Description
 Use View Actions... Button to Manage Current Patient Orders

Comments

Status
 Acknowledged

Acknowledged By/When
 Betzold, Richard D (8837) 03-18-2012 08:30

Order ID: 001DNSLCX History

Function

Acknowledged 03-18-2012 08:37

Entered By
 Mercer, Leaann

New Status
 Active

Acct# 006272215-2061
 Reason

Entered 03-18-2012 08:31 **ID 101 Saline Lock IV catheter**

001DNSLDB

<Session:>Standard;*Auto Activate.

Entered By: Betzold, Richard D (8837)	Requested: 03-18-2012	Stop Date: 03-21-2012 Stop Time: 18:55
		Electronically Signed Order
		Betzold, Richard D (8837), MD,
		Resident

Order ID: 001DNSLDB History

Function

Acknowledged 03-18-2012 08:37

Completed 03-21-2012 18:55

Entered By
 Mercer, Leaann
 Lafferty, Teresa

New Status
 Active
 Completed

Acct# 006272215-2061
 Reason

Entered 03-18-2012 08:53 **ID 101 Telemetry** 001DNSLPS

for S/P pacemaker implant or failure, ablation, cardioversion, open heart surgery, angioplasty, intravascular ultrasound, pressure or wave wire. Pt may travel off unit without monitor- No

<Session:>Standard;*Auto Activate.

Entered By: Mercer, Leaann	Requested: 03-18-2012	Stop Date: 03-20-2012 Stop Time: N/A
Requested By: Betzold, Richard D (8837)	Source: 004 Telephone	Electronically signed by:
		Betzold, Richard D (8837), MD, Resident
		Signed On: 3/18/2012 10:09:49 AM

Order ID: 001DNSLPS History

Function

Acknowledged 03-18-2012 08:58

Signed 03-18-2012 10:09

Entered By
 Mercer, Leaann
 Betzold, Richard D (8837)

New Status
 Active
 Active

Acct# 006272215-2061
 Reason

Order signed ID 101

Requested By: SCM, Report Scheduler (UAMS IT)

Mar-28-2012 10:21 PRINTED BY: DMHEARD

Printed from: UAMS Med Cntr
 11/20/2014

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