

MALPRACTICE

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
C.A. NO.

98-6236

C

QUINTERO, Individually and as)
Administrator of the Estate of)
ROSEMARY VALEZ-PUERTA, and)
JONATHAN QUINTERO, a Minor,)

Plaintiffs,)

v.)

BRIGHAM & WOMEN'S HOSPITAL,)
KAREN GIRARD, M.D., LAURA M.)
GOETZL, M.D., DAVID LEE, M.D.,)
PAUL ISAACSON, M.D., ALISON)
WEIDNER, M.D., SCOTT SIEGRAS,)
M.D., RAMIN MIRHASHEMI, M.D.,)
BETTY FEATON, R.N., VERONICA)
MARROQUAIN, R.N., J.S. DOE, R.M.)
DOE, C.M. DOE, C.H. DOE, JOHN)
DOE(S), M.D.(S), and)
JANE DOE(S) R.N.(S.),)

Defendants.)

copy of 11/23/99

MICHAEL JOSEPH BOGERT
COURT REPORTER
127 STATE STREET
BOSTON, MASSACHUSETTS 02109

COMPLAINT

COUNT I (Parties)

1. The plaintiff, Hugo Quintero, at all times material to this action was the husband of the decedent, Rosemary Valez-Puerta, and is the Administrator of the Estate of Rosemary Valez-Puerta, and resides at 16 Bynner Street, Jamaica Plain, Suffolk County, Massachusetts.
2. The plaintiff, Jonathan Quintero, a minor, at all times material to this action, was the son of the decedent, Rosemary Valez-Puerta, and resides at 16 Bynner Street, Jamaica Plain, Suffolk County, Massachusetts.
3. The defendant, Brigham & Women's Hospital, is located at 75 Francis Street, Boston, Suffolk County, Massachusetts, and at all times material to this action, was engaged in providing medical care and treatment and services to the public, including the decedent, Rosemary Valez-Puerta.

21. The defendants at the Brigham & Women's OB/GYN Clinic failed to perform a breast examination or otherwise investigate, diagnose, treat, or refer the decedent to a qualified medical provider in light of her complaints of a painful lump in her right breast.
22. Despite continued complaints by the decedent of a painful lump in her right breast, an examination of her right breast was not conducted until April 1995.
23. In April 1995 after an office visit at the Brigham & Women's Hospital OB/GYN, the decedent, Rosemary Valez-Puerta, was referred to a surgeon and a biopsy was performed.
24. The pathology revealed ductal carcinoma (cancer in the decedent's right breast) and a radical mastectomy was performed with subsequent chemotherapy.
25. Rosemary Valez-Puerta died on December 10, 1995, from metastasized breast carcinoma.

COUNT III
(Negligence as to all Defendants)

Paragraphs 1 through 25 are hereby incorporated by reference and made paragraphs 1 through 25 of this Count III.

26. The defendants negligently, carelessly, and/or unskillfully cared for and treated Rosemary Valez-Puerta, while she was a patient at the defendants' hospital/clinic during the course of her pregnancy beginning on or about September 1994, and on other divers dates thereafter and as follows:
 - a. the defendants negligently failed to follow the standard of care and skill of the average qualified member of their profession practicing the specialty as practiced by the defendants;
 - b. the defendants negligently and carelessly deviated from the accepted standard of care;
 - c. the defendants committed medical malpractice regarding the treatment of the decedent.
27. As a direct and proximate result of the defendant's negligence and carelessness, the decedent, Rosemary Valez-Puerta, was caused to sustain severe and permanent personal injuries that resulted in her death, incurred great expense from medical/surgical care and treatment, suffered great pain of body and anguish of mind.



BRIGHAM AND
WOMEN'S HOSPITAL

Patient/ Family Relations Department
75 Francis Street
Boston, Massachusetts 02115

July 18, 2007

Daphne Bryant
3A McGreevey Way
Roxbury, MA 02120

Dear Ms. Bryant:

I am writing in response to our June 18, 2007 conversation regarding your concerns surrounding the confidentiality of your medical records here at Brigham & Women's Hospital. As I shared with you when we spoke, I was troubled to hear of your experience and the distress that this matter has caused you.

As part of our investigation, I shared your feedback with Martha Hamel, HIPAA Compliance Project Manager, and with Christine Collins, the manager of the employee in question. As we discussed, our initial review of your medical record did not indicate any inappropriate accesses made by the individual you named. However, we conducted a subsequent review of your record in association with dates of your recent hospitalizations and did identify instances in which this employee did in fact access your medical record. We have concluded that these accesses were not made as part of her duties as an employee.

Patient confidentiality is taken very seriously here, and I want to assure you that this matter was appropriately addressed with this staff member. We wish to convey our sincere apologies that we did not meet your expectations in this regard, and it is our greatest hope that we will be able to rebuild your trust.

While we regret that this event occurred, we truly appreciate your effort to inform us of your experience. We are dedicated to our mission to provide exemplary care and service, and feedback from our patients is critical to our improvement efforts. If you should have any further concerns or questions, please feel free to contact me by phone at (617) 732-7086. We wish you continued health in the future.

Sincerely,


Gretchen Flack
Patient/Family Representative

cc: Christine Collins, Director, Patient Access Services
Martha Hamel, HIPAA Compliance Project Manager