

HEALTH CLAIMS ARBITRATION OFFICE
State of Maryland
118 North Howard Street, Suite 610
Baltimore, Maryland 21201

CLAIM FORM

03-154

HCA NO.

CLAIMANT(S)

Ms. CHRISTINE LYNN LOOK
Name
314 5th Avenue, S.E.
Street Address
GLEN BURNIE, MD, 21061
City, State, Zip Code

HEALTH CARE PROVIDER(S)

1) GyneCare Center
Serve On: Cassandra Johnson
Name
8055 Ritchie Highway, Suite 204
Street Address
Pasadena, MD 21122
City, State, Zip Code

BRADDON SCOTT COOK (infant)
Name
C/O Ms. CHRISTINE LYNN LOOK
Street Address

City, State, Zip Code

2) Romeo A. Ferrer, M.D.
Name
300 Hospital Drive
Street Address
Glen Burnie, MD 21061
City, State, Zip Code

Name

Street Address

City, State, Zip Code

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APR 7 1993

3) Romeo A. Ferrer, P.A.
Serve On: Robert Olender, Resident Agent
Name
4800 Tamworth Court
Street Address
Camp Spring, MD 20731
City, State, Zip Code

City, State, Zip Code

4) Dr. J. Doe, an unidentified physician

- (1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$20,000.00 and the appropriate venue is: BALTIMORE CITY.
- (2) The basis of the claim is described on the page(s) attached hereto.
- (3) The resolution of the claim will involve particular expertise in the area of specialty as indicated: GYNECOLOGY.

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all the Costs resulting from the filing of this claim, whether it is won or lost; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

Phillip P. O'Shaughnessy
Signature
22 E. FAYETTE ST.
Street Address
BALTIMORE, MD, 21202
City, State, Zip Code
410 576 0762
Telephone Number

CLAIMANT(S)

Christine L Cook

Signature of each Claimant

Christine Lynn Cook,
 314 5th Avenue, S.E.
 Glen Burnie, MD 21061,
 for herself and as mother
 and next friend of
 Brandon Scott Cook,
 infant,
 Claimants,

v.

GyneCare Center
 8055 Ritchie Highway
 Suite 204
 Pasadena, MD 21122
 SERVE ON:
 Cassandra Johnson
 8055 Ritchie Highway
 Suite 204
 Pasadena, MD 21122

and

Romeo A. Ferrer, M.D.
 300 Hospital Drive
 Glen Burnie, MD 21061

and

Romeo A. Ferrer, P.A.
 300 Hospital Drive
 Glen Burnie, MD 21061
 SERVE ON:
 Robert Olender
 Resident Agent
 4800 Tamworth Court
 CampSpring, MD 20031

and

Dr. J. Doe,
 an unidentified physician,

Respondents

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HEALTH CLAIMS
 ARBITRATION OFFICE

BEFORE THE HEALTH CLAIMS
 ARBITRATION OFFICE

03-154

STATEMENT IN SUPPORT OF CLAIM

Claimants Christine Lynn Cook, individually, and Brandon Scott Cook, infant, by his parent and next friend, Christine Lynn Cook,

by their attorneys, Phillips P. O'Shaughnessy, Alison D. Kohler and Sandbower, Gabler & O'Shaughnessy, P.A., make claim against GyneCare Center, of 8055 Ritchie Highway in Pasadena, Maryland, (hereinafter "GyneCare") Defendant/Health Care Provider, Dr. Romeo A. Ferrer, Romeo A. Ferrer, P.A., and Dr. J.Doe, an unidentified physician, and allege as follows:

FACTS COMMON TO ALL COUNTS

1. At all relevant times, Ms. Cook is and has been a resident of Maryland, living with her parents in Glen Burnie, Maryland. In 1991 she became pregnant. Thereafter, she decided that she should terminate her pregnancy through the skilled assistance of a medical health care provider. To that end and for that purpose she engaged the professional services of GyneCare. On or about December 20, 1991, she went to the GyneCare office on Ritchie Highway in Pasadena Maryland, received an advice/welcome form, a true copy of which is attached hereto as Exhibit A, and, to her then belief, underwent the surgical procedure of an abortion at that facility on that date.

2. Upon information and belief (the available medical records do not have readily identifiable handwriting) respondent Dr. Romeo A. Ferrer attended to Ms. Cook at GyneCare at all times alleged herein. Upon information and belief, respondent Romeo A. Ferrer, P.A. is a Maryland corporation licensed to practice medicine in Maryland. Upon information and belief, respondent Dr. Ferrer at

all times alleged herein acted on behalf of respondent Ferrer, P.A. Upon information and belief, each of the Ferrer respondents acted on behalf of respondent GyneCare. Upon information and belief, at all times mentioned herein, respondent GyneCare acted on behalf of respondent Ferrer, P.A.

3. Upon information and belief (and in the alternative to paragraph 2): At all times mentioned herein, Dr. 'Doe' was a medical doctor licensed to practice in Maryland, and was practicing with GyneCare. Dr. 'Doe' performed the abortion procedure upon Ms. Cook on or about December 20, 1991. Dr. Doe also performed the check-up physical of Ms. Cook at GyneCare on or about January 3, 1992. Dr. Doe is directly liable for the negligence herein alleged and GyneCare is additionally liable to Ms. Cook by reason of respondeat superior for Dr. Doe's actions and omissions as herein alleged.

4. At all times mentioned hereafter in this Complaint and its related certificate of merit, the institution, GyneCare, and the Ferrer respondents, and Dr. Doe, will be collectively referred to herein as GyneCare.

5. Although GyneCare is physically located in Anne Arundel, County, Maryland, upon information and belief, it solicits and receives a substantial number of patients from Baltimore City, Maryland, and venue is claimed in Baltimore City.

6. GyneCare deviated from the accepted standards of care in connection with the December 20, 1991, surgical abortion by not removing the fetus/terminating the pregnancy and by not verifying that the tissue that the GyneCare medical record claims was observed was in fact fetal tissue.

7. On or about January 3, 1992, Ms. Cook returned to GyneCare for a two week follow-up examination. She was then examined by individual(s) with medical credentials satisfactory to GyneCare for that purpose. Those individual(s) failed to determine that Ms. Cook remained pregnant. That failure is a departure from the standard of care.

8. On or about April 6, 1992, as part of a routine kidney check-up, Ms. Cook was sonogrammed at the Georgetown University Hospital. That sonogram revealed that she was pregnant with an 'intrauterine gestation of approximately 25-26 weeks.' On May 1, 1992, at Harbor Hospital in Baltimore, Maryland, Ms. Cook delivered her child by cesarean section at or about 29 6/7 weeks of pregnancy. This delivery occurred on that date because, in substantial part, there was fetal distress and nonreactive NST biophysical profile (4 out of 10). Ms. Cook's child is Claimant Brandon Scott Cook.

9. GyneCare breached the duty of reasonable care to Christine Cook by failing to terminate her pregnancy on December 20, 1991, by

failing to verify that they had not terminated her pregnancy, and by passing her on the two-week follow-up visit on or about January 3, 1992.

10. Claimant Brandon Scott Cook suffers from severe medical problems, including brain damage, and he is in need of and is receiving constant hospitalization care, which he will require for the entirety of his life.

11. GyneCare is responsible for the pain, suffering, and financial cost to Claimants by reason of GyneCare's negligence and medical malpractice as herein alleged. Substantial damages are claimed in excess of the statutory minimum.

Count One

12. Claimant Christine Cook incorporates herein by reference Paragraphs 1 through 11 above.

13. As set forth above, GyneCare breached the accepted standards of medical care and were negligent in their care and treatment of Claimant Christine Cook.

14. As a direct and proximate result of GyneCare's breaches of the accepted standards of medical care and negligence, Ms. Cook has suffered and will continue to suffer damages, including but not limited to the normal costs of raising a child until the age of majority; the special costs of attending to a child with virtually

insuperable medical difficulties for his reasonable life expectancy; mental and emotional distress; and damage to her overall physical and mental health; the pain and suffering incident to childbirth; the medical and other expenses reasonably incurred and expected to be incurred; and the loss of earnings in the past and such earnings or reduction in earning capacity as may reasonably be expected in the future.

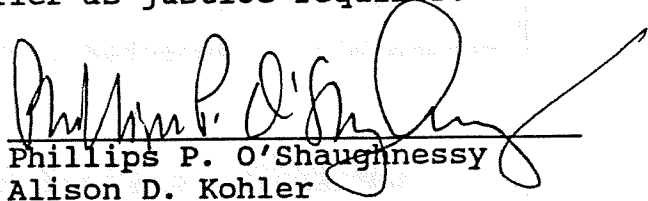
WHEREFORE, Claimant Christine Cook claims damages against Defendants Dr. Ferrer, Dr. Ferrer, P.A., Dr. Doe and GyneCare in an amount in excess of the minimum jurisdiction of the Health Claim's Arbitration Office, together with her reasonable costs and expenses and such other and further relief as justice requires.

Count Two

15. The infant Claimant, Brandon Scott Cook, by his parent and next friend, Christine Cook, incorporates herein by reference Paragraphs 1 through 14 above.

16. As a direct and proximate result of GyneCare's negligence and breaches of the accepted standards of care, the infant Claimant Brandon Scott Cook has suffered special pecuniary loss resulting from his impaired condition, including the costs of hospitalization and (if he is not hospitable bound for the entirety of his life) specialized education, housing, counselling and medical care, to the extent that such may not be recoverable by his mother in Count One.

WHEREFORE, the infant Claimant Brandon Scott Cook, by his mother and next friend, Christine Cook, claims damages against Defendants Dr. Ferrer, Dr. Ferrer, P.A., Dr. Doe and GyneCare in an amount in excess of the minimum jurisdiction of the Health Claims Arbitration Office, together with his reasonable costs and expenses and such other and further relief as justice requires.



Phillips P. O'Shaughnessy
Alison D. Kohler
Sandbower, Gabler &
O'Shaughnessy, P.A.
22 East Fayette Street
Fifth Floor
Baltimore, Maryland 21202
(410) 576-0762



Suite 204 Patriots Plaza • 8055 Ritchie Highway • Pasadena, Maryland 21122 • (301) 761-4774

Welcome to Gynecare. All of us want to make your day as quick, easy, and personal as possible. To help you know what to expect, we have listed the steps that you will go through.

1. A receptionist will review your personal information, collect payment and schedule you a two week check-up appointment.
2. Tammy (M.A.) will obtain your weight, blood pressure, pulse and temperature, and give you a medical history form. Please only complete this form to the line Your counselor will review and complete the rest of your medical history.
3. Vicki (Lab tech) will draw your blood and establish your blood type and iron level.
4. Your last preliminary step will be with your counselor, who will review your history, explain the surgery, and possible complications, birth control methods, and post-op instructions. If you wish someone to sit in on the counseling session they are welcome. This is a good time to ask questions that you might have.
5. Your last wait will be the most difficult. Please be patient. Our most important job is to provide quality care to each patient, and sometimes this means waiting. Tues, Fri., and Sat., when local and general anesthesia are offered, you may notice that people are called in different order; this is related to the type of anesthesia.

REMEMBER: You are here because you have chosen to be here. You can change your mind at anytime prior to surgery. If you decide to leave, please see one of the receptionists.

6. For those receiving local anesthesia (staying awake) To avoid nausea, avoid foods that are heavy, greasy like eggs, bacon, dairy products, chocolate, peanut butter, and donuts. If you are receiving General Anesthesia you must NOT HAVE ANYTHING TO EAT, DRINK, SMOKE OR CHEW !!!!!!!!!
7. When you are called for surgery, a nurse will take you to the surgical room where you will change your clothes and wait for the doctor. Most people feel nervous, but your nurse will be with you to help you to relax and get through the surgery safely.
8. The final step will be recovery room. You may be there for approximately 1/2 to one hour (time varies and is related to anesthesia) Prior to leaving the nurse will review any prescriptions, birth control and your blood type.

Having an abortion is a very powerful and emotional experience. Some of your thoughts may fall somewhere along the following scales:

I'm relieved that the decision is made.....I'm afraid and unsure
I'm glad I made this decision.....I feel guilty about this
I'm confident that the doctor and staff can help me.....I'm worried about the surgery
This is a small price to pay when considering.....This is really a financial burden to me

It will help your counselor if you will take a minute while you are waiting to think about where your feelings may fall on the above scales, and other feelings that may be present such as anger; some people are not aware of any particular feelings or don't want to talk about them. If you feel upset..... ask a staff member to help you this is what we are here for. Stay in control...it is difficult to help you if you take your anger out on a staff member.

Please remember: You are in control of your being here today and we are here to help you through this time. If you have any questions please ask.

Sandy, Yvonne---Receptionist
Tammy (Nursing Asst.) Vicki (Lab tech)
Joann, Debbie V., Theresa, Wendy (Counselors/Nurse)

We also do not allow any food or drinks in our waiting area. There is a picnic table outside that you may use just let someone know you will be leaving

FACTS ABOUT ABORTION

ABORTION IS A SURGICAL PROCEDURE TO TERMINATE A PREGNANCY. THE GYNECARE CENTER PERFORMS ABORTIONS UP TO THE 16th WEEK OF PREGNANCY FROM A LATEST NORMAL MENSTRUAL PERIOD. THE PROCEDURE IS CONSIDERED A SUCTION D&C (DILATION & CURETTAGE) WITHIN THE FIRST 12 WEEKS OF PREGNANCY; AFTER THE 12th AND UP TO THE 16th WEEK THE PROCEDURE IS CONSIDERED DILATION AND EVACUATION (D&E). THE PROCEDURE WILL BE DISCUSSED IN MORE DETAIL DURING YOUR COUNSELING SESSION.

AS WITH ANY SURGERY, COMPLICATIONS CAN OCCUR WITH AN ABORTION PROCEDURE. APPROXIMATELY 2% OF THE WOMEN HAVING ABORTIONS WILL HAVE MINOR COMPLICATIONS THAT CAN BE HANDLED IN A DOCTOR'S OFFICE OR THE ABORTION FACILITY. LESS THAN 1% REQUIRE SOME ADDITIONAL SURGERY AND/OR HOSPITALIZATION. ABORTIONS PERFORMED OVER THE 12th WEEK HAVE A HIGHER RISK OF COMPLICATIONS. THE RISKS INCREASE WITH EACH WEEK OF PREGNANCY.

THE FOLLOWING COMPLICATIONS ARE ASSOCIATED WITH BUT ARE NOT LIMITED TO THE ABORTION PROCEDURE:

- *CERVICAL TEAR: The cervix is sometimes torn during the procedure, stitches are sometimes required.
- *BLOOD CLOTS: Blood clots may fill the uterus leading to severe cramping. This is usually treated by repeating the procedure (D&C)
- *HEMORRHAGE: When the uterus does not contract, excessive bleeding may be the result. This problem may require medications, additional surgery, or hospitalization. In severe cases a blood transfusion may be necessary which is done in a hospital setting.
- *INFECTION: May be caused by germs entering the uterus from the vagina or cervix. Infections are usually treated with antibiotics. In some cases a repeat surgery or hospitalization is required.
- *INCOMPLETE ABORTION: Occasionally some tissue may be left in the uterus. This can lead to infection, hemorrhage or both. To remove tissue it may be necessary to repeat the procedure at the clinic or in a hospital setting.
- *FAILURE TO TERMINATE PREGNANCY: When an abortion procedure is performed early in a pregnancy, there is a risk that the surgery procedure will not end the pregnancy. Should this occur a repeat abortion is recommended since the first attempted abortion can adversely affect normal development of the pregnancy. When the pregnancy exists outside the uterus (i.e. tubal pregnancy) an abdominal operation must be performed in a hospital setting.
- *PERFORATION: A perforation is when a instrument goes through the uterus. Usually hospitalization and additional surgery is required for observation and/or to complete the abortion procedure. Rarely abdominal surgery is required which can result in a hysterectomy (removal of the uterus) which makes it impossible to have children in the future.
- *DEATH: Early abortion is one of the safest operations in medicine, information from the Center of Disease Control indicates that the death from early abortion is about 1/100,000 cases; 13 to 15 weeks gestation is about 4/100,000 cases, and 16-20 weeks is about 11/100,000 cases. Abortion procedures up to 20 weeks have less risk of death and a lower risk of an abdominal operation than carrying the pregnancy to term.
- *ANESTHESIA REACTION: If you are allergic to novocain products, please make sure you tell your counselor prior to surgery. General anesthesia carries its own risks and will be discussed in more detail during counseling.
- *IMPACT OF ABORTION ON PLANNED PREGNANCIES: Some agencies claiming to be experts in abortion counseling, in an effort to convince women not to have abortions scare individuals into believing that one abortion would lead to sterility. There is no evidence that an early abortion would cause any risk to future pregnancies.

INFORMATION IN THIS FACT SHEET IS BASED ON RESEARCH BY THE U.S. CENTER FOR DISEASE CONTROL, THE ALAN GUTTMACHER INSTITUTE, AND OTHER MEMBERS OF THE NATIONAL ABORTION FEDERATION.

Christine L. Cook

Claimant

V.

GyneCare Center

Health Care Provider

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HEALTH CLAIMS
ARBITRATION OFFICE

BEFORE THE

HEALTH CLAIMS

ARBITRATION OFFICE

OF MARYLAND

HCA No:

93-154

* * * * *

CERTIFICATE OF MERIT

1. I, Paul F. Brenner, M.D., am a board certified obstetrician/gynecologist, and my Curriculum Vitae is attached hereto.

2. I do not devote annually more than 20% of my professional activities to activities that directly involve testimony in personal injury claims.

3. I have reviewed the records of treatment rendered to Christine L. Cook by GyneCare Center and other records pertinent to the care she received during her pregnancy and following the birth of her child.

4. In my opinion, to a reasonable degree of medical certainty, GyneCare Center deviated from the accepted standards of medical care in their care and treatment of Christine L. Cook for her termination of pregnancy, which deviations proximately caused Ms. Cook to remain pregnant and to deliver a child, who suffers from profound medical problems.



Paul F. Brenner, M.D.

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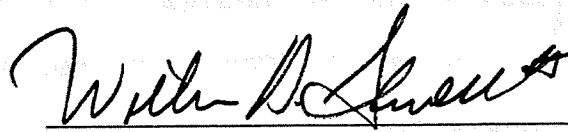
Christine L. Cook, et al. * BEFORE THE
 Claimants * HEALTH CLAIMS
 V. * ARBITRATION OFFICE
 GyneCare Center, et al. * OF MARYLAND
 Health Care Providers * HCA No: 93-154
 * * * * *

ORDER OF TRANSFER

All parties having joined in a Waiver of Arbitration under the provisions of the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06A, it is, this 13TH day of December, 1994, by the Health Claims Arbitration Office,

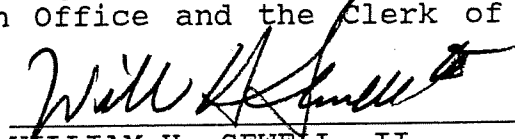
ORDERED That this case shall be, and it is hereby, transferred to the Circuit Court for Baltimore City; and

IT IS FURTHER ORDERED That the responsibility for costs of arbitration shall follow the other court costs of the case unless directed otherwise by said Circuit Court.


 WILLIAM H. SEWELL, II
 Panel Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel, the Health Claims Arbitration Office and the Clerk of the Circuit Court above named.


 WILLIAM H. SEWELL, II
 Panel Chair

Approved by 779.36


21-R

CHRISTINE L. COOK, et al
Plaintiffs

v.

ROMEO FERRER, M.D., et al
Defendants

* IN THE
* CIRCUIT COURT
* FOR
* ANNE ARUNDEL COUNTY
* Civil No.: C-95-19872 OT
*

ORDER OF DISMISSAL WITH PREJUDICE

Mr. Clerk:

Please dismiss the above-captioned case as to all
Defendant "With Prejudice." The costs are to be paid by the
Defendants.

Phillips P. O'Shaughnessy
Phillips P. O'Shaughnessy
Phillips P. O'Shaughnessy, P.A.
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Pulver, P.A.
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Towson, Maryland 21204
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Attorneys for the Plaintiffs

