

CLAIM FORM

CLAIM No. HCA-83-544

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HEALTH CLAIMS ARBITRATION OFFICE

TO: Director
Health Claims Arbitration Office
State Office Building, 15th Floor
301 W. Preston Street
Baltimore, Maryland 21201

The attached claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article.

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

(1) Parties

(a) VALENCIA DUGGINS
name
1813 Cavanaugh Street
street address
Baltimore, Maryland 21217
city, state, zip code

HILLCREST CLINIC, INC.
name
5602 Baltimore Nat'l. Pike
street address
Baltimore, Maryland 21228
city, state, zip code

(b)
name
street address
city, state, zip code

DR. SALOMY
name
5602 Baltimore Nat'l. Pike
street address
Baltimore, Maryland 21228
city, state, zip code

(c)
name
street address
city, state, zip code

name
street address
city, state, zip code

(d)
name
street address
city, state, zip code

name
street address
city, state, zip code

(e)
name
street address
city, state, zip code

name
street address
city, state, zip code

(2) The basis of the claim is described on the page(s) attached hereto.
See attached sheets.

(3) If you believe that resolution of the claim will involve particular expertise in an area of specialty, please indicate below. (See instructions)
Gynecology.

(4) Attorney for Claimant

signature MARK E. HERMAN, ESQ.
14 W. Madison Street
street address
Baltimore, Maryland 21201
city, state, zip code
(301) 837-2144
phone number

Claimant
signature Valencia Duggins
signature VALENCIA A. DUGGINS

VALENCIA A. DUGGINS
 Claimant
 v.
 DR. SALOMY
 HILLCREST CLINIC, INC.
 Health Care
 Provider

) HEALTH CLAIMS
) ARBITRATION OFFICE
) CLAIM NO. HCA
)
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STATEMENT OF CLAIM

Valencia A. Duggins, Claimant, by her attorney, Mark E. Herman, sues the Health Care Provider, Hillcrest Clinic, Inc.

1. The amount of this claim exceeds Five Thousand (\$5,000) Dollars.

2. The venue of this action is proper in Baltimore County, Maryland, and this action is brought pursuant to Annotated Code of Maryland, Courts and Judicial Proceedings, § 3-2A-01 et. seq.

3. That at all times hereinafter set forth, the Health Care Provider held themselves out to the Plaintiff and to the general public as experienced, competent, capable and able health care providers, posing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine, and attention to those services held out to the public as those of the clinic named herein, owed a duty to the Claimant, Valencia A. Duggins, to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, and to the special particular services rendered by Hillcrest Clinic, Inc.

4. That at all times hereinafter set forth the Health Care Provider Hillcrest Clinic, Inc., through its agents, servants, employees, medical staff and nursing staff and in all matters pertaining to the malfeasance and/or misfeasance herein complained of was under a duty to exercise reasonable skill and ability in the selection of their personnel, nurses and competent physicians, surgeons, lab technicians, nurses and other health providers possessing that degree of skill and knowledge which is ordinarily possessed by those who devote special duty and attention to the practice of medicine and surgery, and to supervise its patients and provide them with such care, treatment, diagnostic, medical and surgical services as are ordinarily rendered by such health care facilities and provided by their personnel.

5. That on or about September 3, 1982, Ms. Duggins enlisted the services of Hillcrest Clinic, Inc., because she was not ready for the responsibility of a child, either financially or emotionally, she wished to terminate her pregnancy. After consultation with the Health Care Provider, Ms. Duggins underwent an abortion. At the time, Ms. Duggins was approximately six (6) weeks into her pregnancy and after the abortion, the doctor visually identified the placenta, but did not send the tissue for pathological study.

6. That on or about September 6, 1982, after experiencing excruciating pain, Ms. Duggins was taken to Lutheran Hospital by ambulance where she was admitted to the hospital and immediate surgery was performed based on the finding of ectopic pregnancy. As a result of the ectopic pregnancy, her right tube was removed.

7. That said Health Care Provider Hillcrest Clinic, Inc., was negligent and careless with respect to the above

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occurrence in that the clinic failed to properly recognize the tissue upon performance of the abortion, failed to submit the tissue to pathology, failed to take other steps and assurances that there was not an ectopic pregnancy and were in other respects negligent and careless.


8. That as a result thereof, the Claimant was caused to sustain aggravated, serious permanent and painful injuries to her body, including the removal of her right tube, shock to her nervous system and great mental sufferings; thereby she was precluded from engaging in her usual employment, activities and pursuits, was caused to incur expenses for medical and hospital care and was otherwise injured and damaged, and Claimant says that all injuries and damages complained of were caused solely by the negligence of the Health Care Provider without any negligence on the part of the Claimant thereunto contributing.

9. That Dr. Salomy, an employee of the Hillcrest Clinic, Inc., with actual or apparent authority to perform abortion and other surgical procedures at the Hillcrest Clinic, Inc., was charged with possessing that degree of skill and knowledge and expertise as those held out in the community as being a licensed physician and with a particular expertise in practice in gynecology.

10. That the particular performance of said abortion described herein was indicated to have been performed by said Dr. Salomy.

WHEREFORE, the Claimant claims damages against the Health Care Provider in excess of Five Thousand (\$5,000) Dollars.


VALENCIA A. DUGGINS


MARK E. HERMAN
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Baltimore Maryland 21201
(301) 837-2144

Attorney for Claimant

DATED: 11/25/83