

CLAIM FORM

To: Executive Director
Health Claims Arbitration Office
118 North Howard Street
Suite 610
Baltimore, Maryland 21201

Claim No. HCA 90-371

CLAIMANT

Elizabeth Chiomenti
8750 Georgia Avenue
#807 B
Silver Spring, Maryland 20910

HEALTH CARE PROVIDERS

Hillview Women's Medical Surgical
Center
Serve: Barbara Lofton
5408 Silver Hill Road
Suites 307-309
Suitland, Maryland 20747

Gideon M. Kioko, M.D.
665 E Street, S.W.
Washington, D.C. 20001

Drs. Clark, Greenfield, Chtd.
Serve: Robert T. Greenfield
2010 Spruce Drive
Washington, D.C. 20012

Zandra Layne, R.N.
4208 Canyon View Drive
Upper Marlboro, Maryland 20772

John Doe, a pseudonym for health care
provider(s) to be identified

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OCT 1 1990

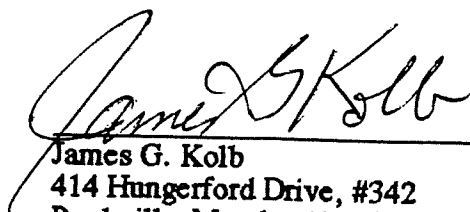
HEALTH CLAIMS
ARBITRATION OFFICE

The attached claim is filed pursuant to Title 3, Subtitle 2A of the Courts and Judicial Proceedings Article, Ann. Code of Md. The damages claimed are in excess of the limit of the concurrent jurisdiction of the District Court and the appropriate venue is Prince George's County, Maryland.

The basis of the claim is described on the pages attached hereto. The claimant has been advised that she may be held civilly responsible for part or all of the costs resulting from the filing of this claim.

The resolution of this claim will involve particular expertise in an area of specialty as indicated below:

1. Obstetrics/Gynecology
2. Nursing


James G. Kolb
414 Hungerford Drive, #342
Rockville, Maryland 20850
301-340-6850
301-424-3740 (FAX)

Attorney for Claimant

**BEFORE THE HEALTH CLAIMS ARBITRATION
OFFICE OF MARYLAND**

ELIZABETH CHIOMENTI
8750 Georgia Avenue, #807 B
Silver Spring, Maryland 20910

Claimant

v.

**HILLVIEW WOMEN'S MEDICAL
SURGICAL CENTER**
Serve: Barbara Lofton
5408 Silver Hill Road
Suites 307-309
Suitland, Maryland 20747

and

GIDEON M. KIOKO, M.D.
665 E Street, SW
Washington, D.C. 20001

and

DRS. CLARK, GREENFIELD, CHTD.
Serve: Robert T. Greenfield
2010 Spruce Drive
Washington, D.C. 20012

and

ZANRA LAYNE, R.N.
4208 Canyon View Drive
Upper Marlboro, Maryland 20772

and

**JOHN DOE, a pseudonym for health
care provider(s) to be identified**

Health Care Providers

90-371

: Case No. _____

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**HEALTH CLAIMS
ARBITRATION OFFICE**

STATEMENT OF CLAIM
(Medical Negligence)

1. Hillview Women's Medical Surgical Center is a trade name for a corporation or unincorporated association that operates a medical clinic at

5408 Silver Hill Road, Suites 307-309, Suitland, Maryland. The corporation or unincorporated association is owned and controlled by Barbara Lofton and Benjamin P. Lofton.

2. Gideon M. Kioko, M.D., is a health care provider who at the time of the incident described herein was acting as the agent and employee of Hillview Women's Medical Surgical Center and Drs. Clark, Greenfield Chartered.

3. Drs. Clark, Greenfield, Chartered is a professional corporation of physicians providing primarily obstetric and gynecological services, which employed Gideon M. Kioko, M.D., at the time of the incident described herein.

4. Zandra Layne, R.N. is a Registered Nurse who at the time of the incident described herein was acting as the agent and employee of Hillview Women's Medical Surgical Center and of Gideon M. Kioko, M.D.

5. "John Doe" is/are health care providers who either improperly attempted to obtain Elizabeth Chiomenti's informed consent to the procedure herein or attended to Elizabeth Chiomenti during the incident, or both. They will be further identified upon discovery.

6. On or about February 3, 1990 and for a period of a few days thereafter Elizabeth Chiomenti was an out-patient at the Hillview Women's Medical Surgical Center for a therapeutic abortion. She was attended to by all of the health care providers described above.

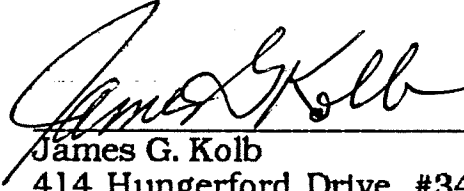
7. On February 3, 1990 and for a period of a few days thereafter the health care providers were under a duty to use that degree of care and skill which is expected of reasonably competent persons acting in the same or similar circumstances.

8. The health care providers departed from applicable standards of care, and were therefore negligent in the care and treatment of Ms. Chiomenti, in that, among other things, they failed to: (a) use proper care in the surgical procedure; (b) attend to the patient and monitor her condition following an incomplete abortion; (c) obtain Ms. Chiomenti's informed consent; and (d) take other reasonable actions in the preoperative, operative and postoperative care of Ms. Chiomenti.

9. The health care providers' conduct was wanton and willful and in gross disregard of Ms. Chiomenti's safety and well-being.

10. As a result of the negligence and other wrongful acts of the health care providers, Ms. Chiomenti was caused to suffer a perforated uterus, permanent damage to her reproductive organs and great pain and suffering. As a further result of the negligence and other wrongful acts of the health care providers, Ms. Chiomenti has incurred medical and related expenses.

11. **WHEREFORE**, the claimant demands judgment of the health care providers, jointly and severally, for substantial compensatory and punitive damages in excess of the concurrent jurisdiction of the District Court of Maryland.



James G. Kolb
414 Hungerford Drive, #342
Rockville, Maryland 20850
301-340-6850
301-424-3740 (FAX)

Attorney for Claimant

9/26/90
Date

CERTIFICATE OF QUALIFIED EXPERT AND REPORT

I, William F. Colliton, Jr., M.D. 10301 Georgia Avenue, Suite 301, Silver Spring, Maryland 20902, state and attest as follows:

1. I am a physician, licensed to practice medicine in Maryland, District of Columbia and Delaware.

2. I was awarded the degree of Doctor of Medicine in 1948 from Georgetown University Medical School.

3. I am board certified in the following specialties as indicated:

<u>Specialty</u>	<u>State</u>	<u>Year</u>
Obstetrics and Gynecology	U.S.A.	1961
Recertified	U.S.A.	1977

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

5. I am not a party plaintiff nor defendant to any anticipated claim arising from events occurring on or about February 3, 1990 at the Hillview Medical Center, Suitland, Maryland involving Elizabeth Chiomenti; I am not an employee or partner of a party; nor am I an employee or stockholder of any professional corporation of which any anticipated party hereto is a stockholder.

6. I have reviewed the following documents in support of the report contained herein:

6.1 Patient record of Elizabeth Chiomenti from Hillview Medical Center, Suitland, Maryland of February 3, 1990.

6.2 Admitting and treatment records of Elizabeth Chiomenti at Washington Adventist Hospital, Takoma Park, Maryland from February 10 - 14, 1990.

7. My review of the above records and statements reveals that the patient Elizabeth Chiomenti while at the Hillview Clinic was involved in the following:

Reported (2) attempts to abort a 15-16 weeks I.U. Pregnancy without success

as a result she suffered the following injury:

Perforated uterus

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HEALTH CLAIMS
ARBITRATION OFFICE

it is my opinion that the cause of the injury was:

A failed abortion attempt (x2) with the instruments thrust through the posterior wall of the uterus

what steps were taken to mitigate the injury:

None

the appropriate standard of care that should have been observed is:

A completed abortion without uterine perforation

there was a departure from the standard of care as follows:

See above

the departure from the standard of care was the proximate cause of the alleged injury.

William F. Colliton, Jr.
William F. Colliton, Jr., M.D.

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BEFORE THE HEALTH CLAIMS ARBITRATION OFFICE OF MARYLAND JUL 26 1996

ELIZABETH CHIOMENTI :
Claimant :

HEALTH CLAIMS
ARBITRATION OFFICE

vs. : HCA Case No. 90-371

HILLVIEW WOMEN'S MEDICAL SURGICAL :
CENTER, et al :

Health Care Providers :

ORDER

UPON CONSIDERATION of the Plaintiff, Elizabeth Chiomenti, having failed after notice to present damage testimony ex-parte, it is this 25th day of July, 1996

ORDERED, that Elizabeth Chiomenti's claim as to Hillview Women's Medical Surgical Center is dismissed for want of prosecution; and it is further

ORDERED, that costs for this proceeding are assessed against Hillview Women's Medical Surgical Center.

~~The arbitration costs in this case total \$~~ 583.00

Approved by DRP

John Roth
JOHN ROTH, Panel Chairman

cc: James G. Kolb, Esquire
Harry L. Chase, Director

