

**KAISER Permanente, et. al**  
**Elder Abuse, Negligence and Medical Malpractice Supporting Documentation**  
**Available on Request will be Forwarded on behalf of 74 Year Old KAISER Member**

**Contact Information:**

**Removed from Public View**

**Letter No. 3**  
***DENIAL of Claim* by KAISER**  
**February 24, 2017**

**From: Jamaal W. Thomas, Esq.**  
**Principal Claims Examiner**  
**KAISER Permanente, et al.**

No.1 I am in receipt of your settlement demand sent via email on February 3, 2017 and amendments thereto. I have reviewed these submissions, your medical chart and obtained opinions from medical experts.

No.2 In brief summary, you have demanded an estimated \$6.868 million dollars in compensation for injuries and damages that you allege stem from a skin biopsy performed August 6, 2015 and an automobile collision that occurred on or about July 28, 2016. Your demand also includes a number of line items to which no monetary value has been placed.

No.3 You have alleged that Margaret B. Kopelman, M.D. performed a biopsy of a wound on your left heel on August 6, 2015 in negligently and in a non-sterile environment. You further have alleged that this biopsy lead to a staph infection which resulted in vasculitis. With regard to the July 28, 2016 automobile collision, you contend that physicians negligently refused to provide you with continued acupuncture treatment and that this refusal forced you to seek treatment external to Kaiser. Unfortunately, while traveling either to or from one of these appointments you were involved in a serious automobile collision and sustained significant injuries. It is your contention that Kaiser bears responsibility for these injuries.

No.4 After a thorough review of your medical records and your allegations, we feel strongly that the care provided to you on August 6, 2015 and thereafter was reasonably, professionally and compassionately rendered. We conclude that the skin biopsy has no causal connection to your current medical conditions. We further conclude that Kaiser bears no responsibility for the injuries that you sustained in an automobile collision. I will explain the rationale for this decision below.

**KAISER Permanente, et. al**  
**Attorney purposely allowed 15 months to lapse between**  
**Letter No.1 d.09.22.2015 and Letter No.2 d.01.26.2017 & Letter No.3 d.02.24.2017**

**To assure the 2 year VA Statute of Limitation and 18-month Arbitration deadline**  
**would expire preventing me from engaging an Attorney to Appeal his Denial**

In re: Response to Claim for Damages

Allegation of negligence on August 6, 2015

No.5 You presented at Dr. Kopelman's office on August 6, 2015 seeking a dermatology consultation for complaints of itchy blisters on your legs. In order to determine the source of your condition, Dr. Kopelman performed a punch biopsy of a lesion on your right thigh and she drained and cultured a wound on your left heel. Dr. Kopelman's note from this procedure indicates that she followed the applicable standard of care and cleaned and draped the surgical sites before performing the procedure.

No.6 You have alleged that the left heel wound culture caused you to develop a staph infection. I have found no evidence in your chart which would indicate that you were diagnosed with an infection following your visit with Dr. Kopleman. In fact, on August 24, 2015, you sought treatment at the Tyson's Corner CDU for a rash and swelling in both of your legs. Following an evaluation which included blood work, physicians definitively ruled out infection. I future note that on September 10, 2015—thirty five days after your appointment with Dr. Kopelman—you sent a secure message to dermatologist Wanda M. Patterson, M.D. in which you advised that your symptoms had resolved. You attached three photographs to your message to Dr. Patterson which show a fully healed blister on your left heel.

No.7 Lastly, assuming that you did suffer from a staph infection in August, 2015, there is no medical evidence that such an infection would lead to a diagnosis of vasculitis nearly one year later.

No.8 Accordingly, I cannot conclude that Dr. Kopelman's procedure on your left heel was negligently performed or resulted in a staph infection. I similarly cannot conclude that your June 9, 2016 diagnosis of vasculitis is in any manner connected with the August, 2015 wound culture.

July 28, 2016 automobile collision and cervical spine fracture

No.9 On or about July 28, 2016, you were involved in an automobile collision and suffered a fracture and dislocation of your cervical spine. Following the collision, you advised emergency medical professionals that you fainted behind the wheel and have no recollection of how the collision occurred. Neurosurgeons repaired your fractures and you were subsequently discharged. It is your contention that physicians improperly discontinued your acupuncture appointments and forced you to seek treatment elsewhere. You have alleged that at the time of the collision you were traveling from one of these acupuncture appointments and, therefore, Kaiser caused your injuries and must provide compensation.

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In re: Response to Claim for Damages

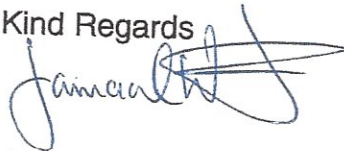
No. 10 At the outset, I note that there is no legal basis for this allegation. However, assuming that there were such a foundation for you to pursue this portion of your claim, members of your healthcare team thoughtfully evaluated your condition in July, 2015 and determined that acupuncture was not an appropriate course of treatment based on your clinical presentation. Their decision to discontinue acupuncture was reasonably given and within the standard of care.

No. 11 In March, 2016 physicians became concerned regarding your C-reactive protein ("CRP") and sedimentation rate ("ESR") levels in your blood. These tests are markers for the body's inflammatory processes and could be indicative of an inflammatory disease. Members of your health care team felt that acupuncture was inappropriate in the face of these elevated values and they temporarily discontinued treatment. Physicians advised you that you could resume acupuncture when and if your CRP and ESR levels returned to normal. Following your diagnosis of vasculitis, physicians became increasingly reluctant to recommend acupuncture as they were not certain of this treatment's impact on your underlying condition.

No. 12 Disregarding properly rendered medical advice, you sought external acupuncture treatment. Based on your chart, I must conclude that the physicians involved in this decision acted reasonably in recommending that you cease acupuncture treatment. While your motor vehicle collision is unfortunate and resulted in debilitating injuries which required surgical repair, Kaiser is not responsible for this event.

No. 13 I am sorry that it appears that we will not be able to agree to compensate you for the claims that you have advanced. If you have any questions or concerns, please do not hesitate to contact me at 301-816-6413 or at [jamaal.w.thomas@kp.org](mailto:jamaal.w.thomas@kp.org).

Kind Regards



Jamaal W. Thomas  
Principal Claims Examiner

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