

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA****Civil Action No:** _____**REGINA HONTS, as daughter and personal representative of DORIS GREEN, deceased;****Plaintiff,****v.****HealthSouth REHABILITATION HOSPITAL OF GADSDEN, LLC (“HealthSouth”);****FICTITIOUS PARTY A, whether singular or plural, that hospital, clinic, or other health care facility which undertook to provide medical services to DORIS GREEN on the occasion(s) made the basis of this suit;****FICTITIOUS PARTY B, whether singular or plural, that medical partnership, professional association, or professional corporation which undertook to provide medical services to DORIS GREEN on the occasion(s) made the basis of this suit;****FICTITIOUS PARTY C, whether singular or plural, the individual(s) who administered opiates without a prescription to DORIS GREEN;****FICTITIOUS PARTY D, whether singular or plural, the entity(ies) which employed FICTITIOUS PARTY C or was the master or principal of FICTITIOUS PARTY C;****FICTITIOUS PARTY E, whether singular or plural, the entity(ies) which stored and/or controlled opiates for or at HealthSouth;****FICTITIOUS PARTY F, the physicians treating DORIS GREEN at HealthSouth for opiate overdose or symptoms consistent with opiate overdose;****FICTITIOUS PARTY G, whether singular or plural, that entity which is the predecessor-in-interest of any of the named parties or above-described fictitious party defendants; and****FICTITIOUS PARTY H, whether singular or plural, that entity which is the successor-in-interest of any of the named parties or above-described fictitious party defendants.**

(Plaintiff avers that the identity of the fictitious party defendants is otherwise unknown to plaintiff at this time, or, if their names are known to plaintiff at this time, their identity as proper party defendants is not known to plaintiff at this time;

but their true names will be substituted by amendment when the aforesaid lacking knowledge is ascertained;)

Defendants.

COMPLAINT

JURISDICTION AND VENUE

1.Plaintiff, REGINA HONTS, as personal representative of DORIS GREEN, is over the age of 19 and was at all times material to the present action a resident of Alabama.

2.Defendant HealthSouth had substantial, continuous and systematic contacts with the State of Alabama.

3.Fictitious Defendants A-H had substantial, continuous and systematic contacts with the State of Alabama.

4.Defendant HealthSouth is a hospital/medical center located and doing business in Etowah County, Alabama. The events and occurrences giving rise to DORIS GREEN's wrongful death, in whole or in part, transpired while DORIS GREEN was admitted and under the care of HealthSouth.

5.The matter in controversy exceeds, exclusive of costs, Ten Thousand Dollars (\$10,000.00).

FACTS

6.On or about June 23, 2011, DORIS GREEN was admitted to HealthSouth for comprehensive rehabilitation for two weeks towards the goal of her returning

home to live with her daughter, REGINA HONTS, with the greatest functional capacity as possible

7. On or about June 30, 2011, HealthSouth's nurse discovered DORIS GREEN in an altered mental status, and her physician ordered her to be transported to Gadsden Regional Medical Center ("GRMC") for treatment.

8. While admitted at GRMC, DORIS GREEN received a CT scan of her head, which was negative for acute process. DORIS GREEN was rehydrated and transferred back to HealthSouth on or about July 2, 2011.

9. DORIS GREEN remained under the care of HealthSouth until she was discovered by HealthSouth's nurse at 4:40 AM on July 5, 2011 in an unresponsive state. At that time, her oxygen saturation was recorded to be 70 percent. DORIS GREEN did not respond to a sternum rub, and she was transferred to GRMC's emergency department. When she arrived at GRMC, DORIS GREEN was in a coma.

10. DORIS GREEN was given a urinalysis screen after her admission into GMRC on July 5, 2011, and she tested positive for opiates. GMRC ran a second urinalysis screen which confirmed the presence of opiates in her system. DORIS GREEN was given an IV push of Narcan in the hospital, and she responded favorably. She was then given an IV drip of Narcan up until July 7, 2011, and she was monitored in the intensive care unit until her condition stabilized and she was

ultimately discharged home to be cared for by a home health provider. While DORIS GREEN's condition stabilized, her neurological and cognitive abilities remained impaired from her incidence of hypoxic encephalopathy up through her death.

11.DORIS GREEN was not prescribed any opiate medications while under the care of HealthSouth. DORIS GREEN was admitted into HealthSouth with clear warnings that she was allergic to opiates. Furthermore, given her age and general health condition, DORIS GREEN was susceptible to respiratory suppression and hypoxia if she was provided opiate medication.

12.HealthSouth administered opiates to DORIS GREEN on or about July 5, 2011. Mrs. Green became hypoxic, developed encephalopathy, and ultimately died as a proximate result of an allergic and/or adverse reaction to the opiates she was given at HealthSouth. Mrs. Green suffered permanent damage to her brain as a proximate result of the hypoxic encephalopathy caused by her opiate overdose. Mrs. Green would not have died on October 22, 2011 from cerebrovascular accident, as she did, if she had not been given un-prescribed opiates while under the care of HealthSouth.

13.On July 5, 2011, HealthSouth left DORIS GREEN in a dangerously hypoxic state without treatment or intervention and, as a result, DORIS GREEN developed severe encephalopathy. DORIS GREEN suffered irreparable harm and

permanent brain injury as a proximate result of her hypoxic encephalopathy and that this incidence triggered her physical and mental decline towards her death. DORIS GREEN died on October 22, 2011 from cerebrovascular accident as a result of this incidence of hypoxia that she suffered while under the care of HealthSouth.

COUNT ONE-NEGLIGENCE/MEDICAL MALPRACTICE

14. In treating DORIS GREEN, HealthSouth and/or Fictitious Parties A, B, C, D, E, F, G, H (as agents or principals) had a duty to use such reasonable care, skill and diligence as other similarly situated health care providers in the same general line of practice.

15. HealthSouth and/or Fictitious Parties A, B, C, D, E, F, G, H (as agents or principals) negligently breached that duty in one or more of the following ways:

a. Administering opiate medication to DORIS GREEN without a prescription;

b. Failing to monitor its opiate drug supply to ensure that DORIS GREEN was not administered opiate medications;

c. Failing to monitor its employees and/or agents to ensure that DORIS GREEN was not administered opiate medications;

d. Failing to monitor its administration of opiate drugs in order to ensure that DORIS was not administered opiate medications;

e. Failing to formulate, implement and/or enforce proper, adequate and safe policies, procedures, directives, rules and regulations, and the like, so that its patients, such as DORIS GREEN, were not administered un-prescribed opiate medication; and

f. Failing to monitor DORIS GREEN's respiratory condition on July 5, 2011 so as to ensure that she did not become dangerously hypoxic;

g. Failing to diagnose DORIS GREEN's respiratory suppression on July 5, 2011 and to provide necessary treatment and intervention so as to prevent her from becoming dangerously hypoxic;

h. Failing to provide DORIS GREEN necessary treatment and intervention, including respiratory support, after she was discovered on July 5, 2011 in a dangerously hypoxic state;

i. Failing to formulate, implement and/or enforce proper, adequate and safe policies, procedures, directives, rules and regulations, and the like, so that it would have proper monitoring, assessment, surveillance, and communication to ensure that its patients, such as DORIS GREEN, were not left untreated in dangerously hypoxic states;

16. The above negligent acts of HealthSouth and/or Fictitious Parties A, B, C, D, E, F, G, H (as agents or principals) combined and/or concurred to cause the death of DORIS GREEN.

WHEREFORE, PREMISES CONSIDERED, the plaintiff, REGINA HONTS, as daughter and personal representative of DORIS GREEN, demands judgment against the defendants, HealthSouth and/or Fictitious Parties A, B, C, D, E, F, G, H (as agents or principals), jointly and severally, in an amount sufficient to preserve human life, punish and deter or discourage the defendants and others from doing the same or similar wrongs in the future. Further, Plaintiff requests that this Court enter judgment consistent with the verdict, and that it also award Plaintiff interest from the date of the judgment and costs incurred by the court in managing this lawsuit.

Attorney for Plaintiff

/s/ Rip Andrews

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a struck jury for the trial of this case.

/s/ Rip Andrews

Attorney for Plaintiff

PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL AS FOLLOWS:

HealthSouth Rehabilitation Hospital of Gadsden, LLC
CT Corporation System
2 North Jackson Street, STE 605
Montgomery, AL 36104