

Florida Office of Insurance Regulation Medical Malpractice Closed Claims Report

Department File Number :	M200534964
Claim Number :	1
Date Submitted :	4/20/2005

Insurer Information				
Insurer Name		Coverage Type		
Schoen, Joya		Primary		
Insurer FEIN	Professional License Number			
59-2189939	ME20200			
Insurer Contact Information				
Type	First Name	MI	Last Name	
Individual	Joya	L	Schoen	
Street Address				
1850 Lee Road, Ste. 240				
City			State	Zip
Winter Park			FL	32789
Phone	Ext	Fax	E-Mail Address	
(407) 644 - 1068		(407) 644 - 1205	JLSCHOEN@EARTHLINK.NET	

Insured Information				
Type	First Name	MI	Last Name	
Individual	Joya	L	Schoen	
Insurer Type	Street Address of Practice			
Self-Insurer	1850 Lee Road, Ste 240			
City	State	Zip Code	County	
Winter Park	FL	32789	Orange	
Policy Number	Per Claim Policy Limits		Aggregate Policy Limits	
1	\$100,000		\$300,000	
Profession or Business		Other Profession or Business		
Medical Doctor				
License Number	Specialty Code & Classification		Certification Number	
ME20200	General Preventative Medicine - No Surgery			

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Injured Person Information			
First Name	MI	Last Name	Date of Birth
Street Address		Gender	County where Injury Occurred
		F	Orange
City		State	Zip Code
Location where injury occurred		Other location where injury occurred	
Other Location		Home	
Name of Institution		Code	
Location of Institutional Injury		Other Location of Institutional Injury	
Date of Occurrence		Date Reported to Insurer	
7/28/2002		7/28/2002	

Diagnostic Information
<p>Final Diagnosis For Which Treatment Was Sought Including Patient's Actual Condition</p> <p>Dianne Morton first saw Dr. Schoen in April 2000. She had been overweight all her life, and wanted help with weight control as well as a thyroid evaluation. She was 4'11" tall and weighed 253 pounds. She had high blood pressure. On the first visit, Mrs. Morton signed a consent form, which emphasized that Dr. Schoen's focus would be nutrition, and that the patient agreed to consult another physician for her primary care. On March 15, 2002, Mrs. Morton saw Dr. Mueller, a family physician, who urged her to see a cardiologist. She failed to do so until July 2002. She underwent double by-pass surgery on July 20, 2002, but suffered a heart attack on July 27 and died on July 28, 2002.</p> <p>Operation, Diagnostic, Or Treatment Procedure Rendered Causing The Injury</p> <p>Dr. Schoen's treatment included a thyroid panel, prescribing Synthroid, nutrition counseling, and chelation therapy. Dr. Schoen did not cause Mrs. Morton's heart attack</p> <p>Diagnostic Code : 410.9</p> <p>Misdiagnosis Made, If Any, Of Patient's Actual Condition</p> <p>None.</p> <p>Principal Injury Giving Rise To The Claim</p> <p>An autopsy conducted at Florida Hospital Orlando by a respected pathologist indicated atherosclerotic coronary artery disease-severe, a possible heart attack less than 2 weeks before the July 20, 2002 by-pass surgery, and another heart attack on July 27, 2002, and death on July 28, 2002. The pathologist also noted cardiomegaly, congestive hepatomegaly, congestive splenomegaly and obesity. The cause of death was listed as cardiac arrest (sudden) due to recent, acute myocardial infarction due to coronary artery disease.</p> <p>Severity Of Injury</p> <p>Permanent: Death.</p>

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Legal Information	
Date of Suit	Circuit Court Case Number *NR
County Suit Filed in *NR	Date of Final Disposition 10/6/2004
Other Defendants Involved in this Claim Jamnadas, M.D., Pradipkumar Seco, M.D., Jose Mueller, M.D., Jeffrey Kapoor, M.D., Sunil Professional Imaging Consultants Haim, M.D., Yitzhak Morrow, M.D., James S Accola, M.D., Kevin Adventist Health System/Sunbelt, Inc., d/b/a Florida Hospita	
Stage of Legal System at which Settlement was Reached or Award Made After arbitration is initiated or prior to suit being filed.	
Final Method of Claim Disposition Settled by parties	
Court Decision No Court Proceedings.	Other
Arbitration Claim subject to arbitration, but settlement reached in lieu of award.	
Date of Payment 10/6/2004	

Financial Information													
Was there a settlement Resulting in payment to the Plaintiff?	Yes												
Indemnity Paid by Insurer on behalf of Insured	\$10,000												
Loss Adjust Expense Paid to Defense Counsel	\$6,480												
All Other Loss Adjustment Expense Paid	\$0												
Injured Person's Total Non-Economic Loss	\$5,000												
Deductible	\$0												
Injured Person's Total Economic Loss													
	<table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: center; border-bottom: 1px solid black;">Incurred to Date</th> <th style="text-align: center; border-bottom: 1px solid black;">Anticipated</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Medical Expense</td> <td style="text-align: center; padding: 5px;">\$5,000</td> <td style="text-align: center; padding: 5px;">\$0</td> </tr> <tr> <td style="padding: 5px;">Wage Loss</td> <td style="text-align: center; padding: 5px;">\$0</td> <td style="text-align: center; padding: 5px;">\$0</td> </tr> <tr> <td style="padding: 5px;">Other Expenses</td> <td style="text-align: center; padding: 5px;">\$0</td> <td style="text-align: center; padding: 5px;">\$0</td> </tr> </tbody> </table>		Incurred to Date	Anticipated	Medical Expense	\$5,000	\$0	Wage Loss	\$0	\$0	Other Expenses	\$0	\$0
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Medical Expense	\$5,000	\$0											
Wage Loss	\$0	\$0											
Other Expenses	\$0	\$0											
Safety Management Steps Taken by Insured to Make Similar Occurrence Less Likely Dr. Schoen feels strongly that she met the accepted standard of care. Mrs. Morton failed to consult with her family doctor on a timely basis. She then took a vacation to France shortly before her July 2, 2002, hospitalization. Dr. Schoen is a sole practitioner, and felt that protracted litigation would be very disruptive to her practice, so she decided to settle the matter rather than have suit filed against her and spend two or three weeks in trial. Dr. Schoen has taken steps to repeat her initial instructions to patients that they should see a primary care physician, due to Dr. Schoen's limited role focusing on nutrition.													

Updates
No updates found.