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Chief Medical Officer Of Miami Catholic Health Services Lies Under Oath

In the Broward County Circuit Court case of Walter C. Kitchen v. St. Joseph Residence, Dr. Mark A. Reiner, Chief Medical Officer of Catholic Health Services for the Archdiocese of Miami, admitted that his sworn testimony at deposition was completely contradictory to his sworn testimony at trial. At issue was whether a physical transfer to a nursing home from St. Joseph Residence, a Fort Lauderdale assisted living facility (ALF) affiliated with the Archdiocese of Miami, would have prevented a fall by Kitchen that resulted in severe injuries and hospitalization. Kitchen was found at 5:00 a.m. on February 28, 2003 in the ALF's parking lot in his underwear lying in a pool of blood. Kitchen, a decorated World War II veteran who served in the 82nd Airborne Division, suffered a hematoma and other injuries.

Reiner was Kitchen's personal physician at the time of his fall but assumed his position as Chief Medical Officer of Catholic Health Services for the Archdiocese of Miami in December 2003. During his deposition in May 2006, Reiner testified that Kitchen did not have dementia or Alzheimer's disease and therefore did not need to be transferred to a nursing home to receive a higher level of care than the ALF could provide. St. Joseph denied all charges of negligence until the first day of trial on July 10, 2006. After St. Joseph admitted negligence and that they violated Kitchen's rights, the trial then focused on damages for his injuries. At trial, Reiner changed his testimony and swore under oath that Mr. Kitchen was demented and indeed had Alzheimer's disease at the time of the incident.

Since a resident with a diagnosis of Alzheimer's disease has a shorter life expectancy than a resident without such a diagnosis, the implication for the change in Reiner's testimony meant that Kitchen would be entitled to a smaller amount of damages, according to Kitchen's attorney, Scott A. Mager of Mager Law Group of Ft. Lauderdale, Florida. "In an attempt to limit the damages verdict, St. Joseph contended that its own Chief Medical Officer was incompetent and that Reiner committed negligence by not transferring Kitchen to a nursing home," said Mager.

"Although the jury did not hear about it, St. Joseph also failed to properly monitor Mr. Kitchen, with admissions by various witnesses that the facility failed to follow Dr. Reiner's orders to monitor and document Mr. Kitchen's blood sugar levels over 100 times. St. Joseph's own expert also admitted that

St. Joseph failed to follow the doctor's orders, and failed to follow its own policies and procedures. In addition, St. Joseph failed to provide sufficient information to the State of Florida about the seriousness of Mr Kitchen's injuries," stated Mager. After St. Joseph's admission of negligence, the jury returned a verdict of damages to compensate Kitchen for his injuries.

"It took so very much work just to get St. Joseph to admit responsibility for this obvious wrong, and it was particularly despicable that they then sought to limit damages by admitting liability at trial and having their Chief Medical Officer lie under oath about Mr. Kitchen's condition," said Mager. "This great family deserved what all elders deserve - the right to be treated with dignity and to be free from abuse. The facility, in arrogantly denying liability until the day of trial, showed little regard for their legal responsibility and a belief that, as a big corporation, they could starve Mr. Kitchen out of his day in court. They were wrong, and the public should be told about their wrongdoing."

St. Joseph Residence was represented by Benjamin M. Esco of the Coral Gables, Florida firm of Gaebe, Mullen, Antonelli, Esco & DiMatteo.

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