



IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

GRETA C. COOPER; MATT COOPER,)
)

Plaintiffs,)

vs.)

CIVIL ACTION: _____

GENTIVA HEALTH SERVICES, INC., Defendant No. 1, being the proper legal designation of the entity known as Gentiva Health Services, Inc.; Defendant No. 2, being that entity which provided the Gentamicin home administration and treatment described in the Complaint; **BECKY DUNCAN, R.N., MCP; MICKI MCNUTT, R.N.;** Defendants No. 3 & 4, being those nurses or employees of Gentiva Health Services, Inc. who provided the home administration and treatment for Plaintiff as described in the Complaint; **LARRY C. STUTTS, M.D.;** Defendants No. 5 & 6, being those persons or entities which caused or contributed to cause the injuries and damages alleged in the Complaint; all of whose true and correct names are otherwise unknown to Plaintiffs at this time but will be added by amendment when properly ascertained.)

Defendants.)

COMPLAINT

1. On or about, to wit, July 23, 2013, Plaintiff, Greta C. Cooper, was admitted to Helen Keller Hospital under the care of Larry C. Stutts, M.D., for the induced delivery

of her son. Plaintiff suffered a retained placenta with post-partum hemorrhage and infection. Plaintiff was ordered to be given Gentamicin, 450 mg, with levels drawn 10 hours after her first dose on July 26, 2013. On July 27, 2013, she was noted to be improving with the administration of Cefotan and Gentamicin for her MRSA infection. Lab and cultures confirmed the MRSA infection on August 9, 2013.

2. Plaintiff, Greta C. Cooper, was discharged from the hospital and was ordered and prescribed to receive Gentamicin and Cefotan treatment at home to be provided and attended by Defendant, Gentiva Health Services, Inc. (Russellville) (hereinafter "Gentiva"). This was to commence on August 13, 2013. The order from Dr. Larry C. Stutts was that Plaintiff was to receive Gentamicin 375 mg in 100 ml normal saline by I.V. infusion over 1 hour via elastiball and Cefotan 2 gm in 100 ml normal saline by I.V. infusion over 1 hour via elastiball. Upon information and belief, the supervisor for Gentiva was Becky Duncan, R.N., MCP and the Gentiva nurse who went to Plaintiff's home for the treatment was Micki McNutt, R.N.

3. Plaintiff had a PICC line placed on August 14, 2013. Gentiva Defendants described above purportedly taught the Plaintiff's husband how to administer the antibiotics and had him do it rather than a skilled nurse as originally ordered. No levels of Gentamicin were ever drawn or performed for Plaintiff for the entire time the Gentiva Defendants were involved in her home care. Plaintiff's veins were noted to be collapsing so she needed a PICC line insertion as described above. Gentiva Defendants instructed Plaintiff's husband how to administer the ordered antibiotics thru the PICC line. The Gentiva notes state that on August 22, 2013, Becky Duncan, R.N., MCP, "spoke with

Mandy at Dr. Stutt's office and that all cultures have been negative, no further I.V. therapy required." The records indicate that a skilled nurse was to visit the patient's house and remove the PICC line on August 22, 2013, and the Plaintiff was to be discharged from home health services due to no longer needing a skilled nurse.

4. Plaintiffs aver that Defendants, Gentiva Health Services, Inc.; Becky Duncan, R.N., MCP and Micki McNutt, R.N., negligently caused or negligently allowed Plaintiff, Greta C. Cooper, to go without adequate and proper skilled nursing care and, instead, had the husband administer the antibiotic infusions ordered. Plaintiffs further aver that these Defendants negligently caused or negligently allowed Plaintiff to go without Gentamicin level testing and analysis throughout the time she was administered that drug during the purported skilled home health services. Plaintiffs further aver that these Defendants negligently failed to provide reasonable skilled nursing care in the administration of Gentamicin, the failure to properly monitor, evaluate, test and observe this patient for proper dosage and levels of Gentamicin or its excess and fell below the appropriate standards of care with this Plaintiff. As a proximate consequence thereof, Plaintiff, Greta C. Cooper, suffered from Gentamicin toxicity; she was caused to suffer severe problems with her balance, blurry vision, bilateral peripheral vestibular system weakness and impairment; she was caused to suffer severe pain and mental anguish; she was caused to require extensive medical evaluation and treatment; she was caused to suffer impairment in her employment and lost wages; she was prevented from going about her usual and customary pursuits and duties; and, she was permanently injured and damaged.

5. Plaintiffs further aver that the Gentiva Defendants described above in Paragraph 4 wantonly caused or wantonly allowed the acts and omissions described above in reckless and conscious disregard of their duties and responsibilities with this patient as described above in Paragraph 4 which is incorporated and re-alleged herein. As a proximate consequence thereof, the Plaintiff was injured and damaged as set forth above.


6. Plaintiffs further aver that Defendant, Larry C. Stutts, M.D., negligently caused or negligently allowed the Gentiva Defendants to not be ordered or instructed to properly administer the ordered antibiotic treatment by infusion to be done only by skilled nurses and that Gentamicin levels be taken to assure the safe and proper dosage and administration of Gentamicin to be achieved. These acts or omissions negligently failed to give the Gentiva Defendants the proper and adequate information and guidance necessary for the safe and proper administration of Gentamicin to Plaintiff in doses and levels that were appropriate and safe. As a proximate consequence of these acts and omissions that were below the appropriate standard of care, Plaintiff suffered Gentamicin toxicity and was injured and damaged as set forth in Paragraph 4 above. This Defendant further acted negligently in not taking or ordering Gentamicin levels in the period made the basis of this suit (August 13-22, 2013) and caused excessive levels to occur which proximately caused Plaintiff's injuries and damages by his negligent failure to monitor or cause the monitoring of this Plaintiff as set forth above.

7. Plaintiff, Matt Cooper, was and continues to be the lawful husband of Plaintiff, Greta C. Cooper. As a proximate consequence of the Defendants' negligence

and/or wantonness (separately and severally) he was caused to suffer the loss of his wife's care, comfort, society and services.

8. Plaintiffs further aver that the negligent and/or wanton acts or omissions of Defendants, separately and severally, combined and concurred to proximately cause the injuries and damaged suffered by these Plaintiffs as set forth above.

Wherefore, Plaintiffs, separately and severally, demand judgment against Defendants, separate and severally, in such sums of compensatory and punitive damages as a jury may assess after a full and fair hearing on the facts.




 Stephen D. Heninger (HEN007)

/s/ Stephen D. Heninger

 STEPHEN D. HENINGER (HEN007)

Attorney for Plaintiffs

Plaintiffs demand trial by struck jury on all issues raised herein.



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