

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

**CHARLES CREGGETT, SPECIAL ADMINISTRATOR
OF THE ESTATE OF CLARENCE CREGGETT, deceased**

PLAINTIFF

vs.

No. 60cv-_____

**GASTROENTEROLOGY AND SURGERY
CENTER OF ARKANSAS II, L.L.C. d/b/a
KANIS ENDOSCOPY CENTER;
ALONZO D. WILLIAMS, SR., M.D.;
ARKANSAS DIAGNOSTIC CENTER, P.A.;
DUSTIN WIXSON, CRNA; COVENANT SURGICAL
PARTNERS, INC.; ARKANSAS ANESTHESIA
NETWORK SERVICES, L.L.C., and, ANESTHESIA
NETWORK SERVICES, L.L.C.**

DEFENDANTS

COMPLAINT

Comes the Plaintiff, Charles Creggett, as Special Administrator of the Estate of Clarence Creggett, deceased, by and through his attorneys, The Brad Hendricks Law Firm, and for his Complaint, states:

1. Plaintiff is a resident of Lonoke County and is the duly appointed Special Administrator of the Estate of Clarence Creggett who died intestate in Pulaski County on April 24, 2014.
2. Plaintiff's cause of action is based on medical negligence resulting in the wrongful death of Clarence Creggett. Damages for survivorship and wrongful death are claimed.
3. . Defendant Alonzo D. Williams, Sr., M.D. is a gastroenterologist practicing in Pulaski County, Arkansas, and owns Gastroenterology and Surgery Center of Arkansas, P.A. which is a partial owner of Gastroenterology and Surgery Center of Arkansas, II, L.L.C. d/b/a Kanis Endoscopy Center (hereinafter referred to as Kanis Endoscopy Center or KEC). Defendant

Williams was, at all times relevant to this cause of action, Medical Director of the Kanis Endoscopy Center. Defendant Williams is also an owner of and employed by Arkansas Diagnostic Center, P.A. and serves on the medical advisory board of Defendant Covenant Surgical Partners, Inc.

4. Defendant Dustin Wixson is a CRNA practicing at Kanis Endoscopy Center and at all times pertinent to this cause of action was providing anesthesia services at Kanis Endoscopy Center pursuant to an agreement between Kanis Endoscopy Center and Defendant Arkansas Anesthesia Network Services, L.L.C. Defendant Arkansas Anesthesia Network Services is owned by Defendant Covenant Surgical Partners, Inc. and Defendant Wixson was acting as an agent and/or employee of both defendants. At the time of the colonoscopy performed on Clarence Creggett, Defendant Wixson was under the direct supervision of Defendant Alonzo D. Williams, Sr.

5. Defendant Covenant Surgical Partners, Inc. is a foreign corporation which partially owns Kanis Endoscopy Center and also manages the facility pursuant to an agreement with its' owners . Covenant, through its subsidiary, Arkansas Anesthesia Network Services, L.L.C. provides anesthesia services for Defendant Williams and other physicians associated with Kanis Endoscopy Center. Defendant Covenant Surgical Partners is vicariously liable for any negligent acts and/or omissions of its' agents/employees.

6. Defendant Arkansas Diagnostic Center, P.A. is a clinic providing gastroenterology services, located in Little Rock, Arkansas. At all times pertinent to this cause of action Defendant Alonzo D. Williams, Sr., M.D. was both an employee of Arkansas Diagnostic Center, P.A. and owner of the facility. Defendant Arkansas Diagnostic Center, P.A., is vicariously liable

for any negligent acts and/or omissions of its' agents/employees.

7. Defendant Gastroenterology and Surgery Center of Arkansas, II, L.L.C. d/b/a Kanis Endoscopy Center is an endoscopy center located in Little Rock, Arkansas. It is partially owned and managed by Defendant Covenant Surgical Partners, Inc.. Defendant Williams serves as "Medical Director" for the facility and is a member of the board of managers for the facility (along with one of his partners and with two employees of Defendant Covenant Surgical Partners, Inc.). Defendant Gastroenterology and Surgery Center of Arkansas, II, L.L.C. d/b/a Kanis Endoscopy Center is vicariously liable for any negligent acts and/or omissions of its' agents/employees.

8. That at all times relevant to this cause of action, Defendant Arkansas Anesthesia Network Services, L.L.C. ("AANS") was a foreign limited liability company, doing business in the State of Arkansas and providing anesthesia related staffing services to Kanis Endoscopy Center. Defendant AANS was an employer (and/or co-employer and/or supervisor) of Defendant Dustin Wixson and is vicariously liable for any negligence on the part of Defendant Wixson. Defendant AANS is a wholly owned subsidiary of Defendant Covenant Surgical Partners, Inc.

9. That at all times relevant to this cause of action, Defendant Anesthesia Network Services, L.L.C. ("ANS") was a foreign limited liability company, doing business in the State of Arkansas and providing consulting services (including policy and procedure consultation services) to Kanis Endoscopy Center.

10. On April 14, 2014, Clarence Creggett was admitted to Kanis Endoscopy Center for the purpose of undergoing a colonoscopy. The colonoscopy was performed by Defendant Alonzo D. Williams, Sr., M.D. and anesthesia was provided by Defendant Dustin Wixson under the

control and supervision of Defendant Williams.

11. Almost immediately after the procedure, Mr. Creggett stopped breathing, and a code blue was called. He was resuscitated by the code team and then transferred to CHI St. Vincent Health System in Little Rock. Unfortunately, Mr. Creggett suffered hypoxic brain injury from lack of oxygen, and he passed away on April 24, 2014. His death was caused by the hypoxic brain injury that ultimately resulted in a cardio-respiratory arrest.

12. Clarence Creggett had numerous medical conditions that made him at extremely high risk for undergoing conscious sedation, those conditions included asthma, respiratory problems, diabetes, prior right kidney removal, and advanced age.

13. That Defendant Alonzo D. Williams, Sr., M.D. was negligent in the care and treatment of Clarence Creggett in the following respects:

- a. Performing the procedure in a facility not properly equipped to address the medical and anesthesia needs of Mr. Creggett;
- b. Failing to appropriately supervise Defendant Ladmirault;
- c. Failing to consult with an anesthesiologist with respect to an anesthesia plan concerning Mr. Creggett.
- d. Failing to properly screen and evaluate the suitability and the safety of performing the procedure at Kanis Endoscopy Center.
- e. Failing to insure that Kanis Endoscopy Center had appropriate policies and procedures concerning the safe administration of anesthesia and concerning patient selection criteria (i.e. what patients could or could not be safely treated at at the facility).

- f. Administering the drug Propofol in an unsafe manner (by IV “push”) given the environment and monitoring being performed.
- g. Otherwise failing to exercise the degree of skill and care required of a gastroenterologist and/or required of a medical director of an outpatient ambulatory care facility such as Kanis Endoscopy Center.

14. Defendant Ladmiraault was negligent in the care and treatment of Clarence Creggett in the following respects:

- a. Failing to develop an appropriate anesthesia plan.
- b. Administering anesthesia to Clarence Creggett in an outpatient setting without adequate monitoring equipment suitable for the degree of sedation that was being provided.
- c. Administering anesthesia to Clarence Creggett without consulting with an anesthesiologist.
- d. Failing to lodge objections with Defendant Williams with respect to performing the procedure at the Kanis Endoscopy Center and with respect to administering Propofol by IV “Push.”
- e. Failing to adequately monitor Clarence Creggett after the procedure was completed.
- f. Otherwise failing to provide appropriate anesthesia evaluation, care, and monitoring.

15. Defendant Gastroenterology and Surgery Center of Arkansas, II, L.L.C. d/b/a Kanis Endoscopy Center was negligent in failing to formulate and institute appropriate screening for

potential endoscopy patients, and procedures designed to identify and direct high risk patients to facilities providing higher degrees of care including anesthesiologists who can perform general anesthesia. Agents and/or employees of Kanis Endoscopy Center were furthermore negligent in failing to properly monitor Clarence Creggett at the conclusion of the colonoscopy.

16. That Defendant Anesthesia Network Services, L.L.C. (ANS) was negligent, and its negligence was a proximate cause of the death of Clarence Creggett, in the following particulars:

- a. Failing to properly advise Defendants Williams and Covenant Surgical Partners concerning proper anesthesia policies and procedures that should have been implemented at Kanis Endoscopy Center.
- b. Failing to recommend and/or implement appropriate quality assurance measures and evaluations, both as a matter of routine and in response to events (such as occurred with respect to Clarence Creggett) that should have resulted in quality assurance investigations.
- c. Allowing (directly and/or indirectly) CRNA's being employed and/or supervised by AANS and by the physicians performing the procedures at Kanis Endoscopy Center to administer the drug Propofol in a manner that resulted in deep sedation at a facility that was not equipped or staffed to provide this level of sedation.
- d. Failing to recommend and/or implement proper policies with respect to management of patients with obstructive sleep apnea.
- e. Failing to recommend and/or implement proper policies designed to determine whether patients could safely undergo outpatient procedures at KEC (as opposed to a facility providing a higher degree of care).

- f. Otherwise failing to provide appropriate anesthesia services, failing to make appropriate policy and procedure recommendations, and failing to insure that there was an appropriate program for quality assurance concerning the administration of anesthesia (and that such program was effectively utilized) at KEC.

17. That Defendant Covenant Surgical Partners, Inc. was negligent, and its negligence was a proximate of the death of Clarence Creggett. Such negligence consisted of but was not limited to the following:

- a. Failing to properly and safely manage and operate the Kanis Endoscopy Center by having and/or enforcing adequate policies and procedures concerning patient selection, administration of anesthesia, and patient monitoring.
- b. Failing to recommend and/or implement appropriate quality assurance measures and evaluations, both as a matter of routine and in response to events (such as occurred with respect to Clarence Creggett) that should have resulted in quality assurance investigations.
- c. Allowing CRNA's at Kanis Endoscopy Center to administer the drug Propofol in a manner (IV Push) that resulted in deep sedation at a facility that was not equipped or staffed to provide this level of sedation.
- d. Failing to recommend and/or implement proper policies with respect to management of patients with obstructive sleep apnea.
- e. Failing to recommend and/or implement proper policies designed to determine whether patients could safely undergo outpatient procedures at KEC (as opposed to a facility providing a higher degree of care).

- f. Otherwise failing to exercise reasonable care in the operation and management of Kanis Endoscopy Center.

18. That had Clarence Creggett been properly managed with appropriate anesthesia, appropriate monitoring and appropriate supervision in an appropriate environment, then in all probability he would not have arrested and suffered the hypoxic injury that resulted in his death.

19. That plaintiff is of information and belief that the “business model” at KEC, which involved to some degree each of the defendants sued herein, was that of performing volume endoscopic procedures wherein patient safety and selection criteria was sacrificed in favor of volume, procedure turn-over times, and ultimately increased profits. It is believed that a very high percentage of patients who underwent procedures at this facility had Medicare and /or Medicaid, and many of them had significant co-morbidities that should have been managed in settings providing a higher degree of care. This “business model” was negligently formulated and contributed to the death of Clarence Creggett as set forth herein.

20. That as a result of the negligence of defendants, as set forth herein, Clarence Creggett died.

21. That Charles Creggett, as Special Administrator of the Estate of Clarence Creggett, claims damages on behalf of the estate as follows:

- a. Medical expense;
- b. Burial and funeral expenses; and,
- c. Loss of value of life damages.

22. That Charles Creggett, as Special Administrator of the Estate of Clarence Creggett, claims damages on behalf of the wrongful death beneficiaries, as follows:

- a. Mental and emotional anguish suffered over the loss of Clarence Creggett;
- b. Pecuniary losses.

23. That Plaintiff claims damages in an unliquidated amount and demands a trial by jury.

WHEREFORE, Plaintiff prays that upon trial of this matter he be awarded reasonable damages in an amount exceeding the minimum amount required for federal jurisdiction in diversity of citizenship cases, and for all other relief to which he may be entitled.
entitled.

Respectfully submitted,

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