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DAILY BUSINESS REVIEW

SAMARA 000117

HEALTH CARE Suit against Mount Sinai

Ex-employee claims she was fired in retaliation

by Jose Pagliery, DBR. A former Mount Sinai Medical Center surgical oncology coordinator is suing the hospital, claiming state whistle-



Samara

blower protections apply to her because she was fired as retaliation for exposing unsafe and illegal practices. Monica Samara sued the hospital for reinstatement and lost wages. In her lawsuit, she claims the hospital pushed her out after she

refused to break federal law by scheduling a patient for surgery without a recent examination.

Samara also accuses the hospital of ignoring federal patient privacy protections and using unsterilized equipment.

She said a nurse routinely used a napkin to wipe down a medical device inserted into patients' throats instead of appropriately soaking it in disinfectant for two hours.

The hospital and its attorney had no comment by deadline.

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WHISTLE-BLOWER SUIT Allegations of unsterilized equipment made

Ex-surgery coordinator sues Mount Sinai

by **Jose Pagliery**
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Mount Sinai Medical Center is on the defensive in a whistle-blower lawsuit as a former employee accuses the hospital of putting patients at serious risk and ignoring privacy laws.

In a lawsuit filed June 27 in Miami-Dade Circuit Court, Monica Samara claims she was fired from her surgical coordinator job at the hospital's surgical oncology department in retaliation for reporting violations to her supervisors.

She claimed the Miami Beach hospital used unsterilized equipment on cancer patients with already weakened immune systems, scheduled patients for surgery without appropriate review

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J. ALBERT DIAZ

Monica Samara, a former Mount Sinai Medical Center surgical oncology coordinator, is seeking reinstatement and lost wages.

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SINAI: Plaintiff says she 'just had to say something'

and ignored federal patient privacy restrictions.

"When I saw how things were there, I was in shock. I was like, 'This can't be right. I can't believe patients are being treated like this,'" Samara said in an interview.

Hospital attorney David Block with Jackson Lewis in Miami did not respond to telephone calls for comment by deadline.

Hospital spokeswoman Joanna Palmer declined to comment through a staff member.

Samara began working at the hospital in 2009 when the surgeon she had worked with for 12 years, Dr. Adrian Legaspi, moved his practice and joined the hospital.

Samara claims she quickly discovered her supervisor, Peggy Anton, was not properly cleaning the laryngoscope, a medical device inserted into a patient's mouth to view vocal folds and the glottis and for intubation.

Although hospital policy demands instruments be soaked in the disinfectant solution Cidex for two hours, Anton would only wipe the laryngoscope down with a napkin after every use, Samara said.

"The patients that go there are cancer patients, and they already have a weakened immune system. For the nurse to put them at risk, she's putting them at

Monica Samara says her supervisor did not properly clean the laryngoscope, a medical device inserted into a patient's mouth to view vocal folds and the glottis and for intubation.

risk to get hepatitis A and C, tuberculosis, even pneumonia," Samara said. "I just had to say something."

When she reported the matter to the patient's doctor and other hospital staff, she claimed her supervisor retaliated by increasing her workload.

"From that day on, I was a slave in the office," she said.

Her problems allegedly worsened last year after she alleged the hospital was ignoring federal privacy laws — the Health Insurance Portability and Accountability Act — by discussing ongoing treatment in a public area for lack of a place with privacy. Samara recalled once discussing a woman's breast cancer diagnosis and treatment with her while several other patients watched.

"The patients at the checkout desk were staring at her. She felt very uncomfortable, put her head down and was

crying. Everyone knew she was getting her breast chopped off," Samara said.

The lawsuit claims that in March, Samara refused to schedule a 79-year-old patient for surgery to remove a cancerous tumor in his back because the patient had not been physically examined by a doctor for seven months. She asserted surgery would break federal laws requiring patient examinations a maximum of a month before admission.

Samara was fired a week later.

Samara's Hollywood attorney, solo practitioner Dana Gallup, said the hospital violated the state Whistleblower Act, the only count cited in the lawsuit. He said his client is seeking reinstatement and lost wages, and in the meantime is assisting the state's Agency for Health Care Administration, which is now investigating the matter.

An AHCA spokeswoman did not return calls for comment by deadline.

"What I really think is important is that people like Monica speak out," Gallup said. "If they just look the other way, they'll continue these violations. Some employees in this economy are so concerned with keeping their jobs that they're saying nothing. She stood up at the cost of her job, her career."

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