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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

LISA FEEHELY, as Personal Representative for
the ESTATE OF CHRISTOPHER PATRICK
CRAWFORD;

Plaintiff,

v.

OREGON HEALTH AUTHORITY, a state
agency; SHERIE CHANEY, an individual,

Defendants.

Case No. 15CV34784

COMPLAINT

**(Negligence – Wrongful Death;
Whistleblower Retaliation; 42 U.S.C.
§ 1983)**

**Fee Authority: ORS 21.160(1)(d)
Amount of Claim: \$8,800,000**

**Claim More Than \$50,000; Not
Subject to Mandatory Arbitration**

JURY TRIAL REQUESTED

Plaintiff alleges:

1.

Plaintiff Lisa Feehely (“Plaintiff”) is the duly-appointed Personal Representative of the Estate of Christopher Patrick Crawford (“Mr. Crawford”), pursuant to an Order entered in Marion County Circuit Court, State of Oregon, dated February 5, 2014. Mr. Crawford died on January 3, 2014, while a patient at Oregon State Hospital (“OSH”) in Salem, Oregon.

2.

At all times mentioned herein, Defendant Oregon Health Authority (“Defendant OHA”) was and is a state agency charged with managing OSH. Defendant OHA is responsible for ensuring the safety and welfare of all patients under the care of OSH.

1 3.

2 At all times mentioned herein, Defendant Sherie Chaney (“Defendant Chaney”) was
3 employed by Defendant OHA as a psychiatric, mental health nurse practitioner at OSH.
4 Defendant Chaney oversaw Mr. Crawford’s case file and monitored the medications that he was
5 administered. On information and belief, Defendant Chaney is a resident of the State of Oregon.

6 4.

7 On September 9, 1992, Mr. Crawford was admitted to OSH after being found guilty,
8 except for insanity, on certain criminal charges and placed under the jurisdiction of the
9 Psychiatric Security Review Board for a period not to exceed 40 years. Mr. Crawford suffered
10 from bipolar disorder but was a very high functioning patient for nearly all of his time at OSH.
11 Beginning in late 2013, however, Mr. Crawford’s physical condition deteriorated, culminating in
12 his death on January 3, 2014.

13 5.

14 Mr. Crawford’s decline was preceded by an event that occurred in or around August
15 2013. At that time, Mr. Crawford learned that an OSH nurse, Jennifer Barren, was engaged in a
16 sexual relationship with an OSH patient. Mr. Crawford reported the relationship to two
17 supervisors at OSH, who told Mr. Crawford that they were aware of the relationship and that
18 Mr. Crawford should keep the information confidential.

19 6.

20 Mr. Crawford believed that Ms. Barren’s behavior was extremely inappropriate and that
21 OSH was asking him to collude in keeping her conduct confidential. Mr. Crawford did not
22 believe that this was right and made the decision to contact the media and police about the
23 inappropriate relationship. Mr. Crawford contacted reporters from *The Oregonian* and the
24 *Statesman-Journal*, both of whom investigated the information provided by Mr. Crawford and
25 subsequently wrote articles about Ms. Barren’s inappropriate relationship. Mr. Crawford also
26 reported Ms. Barren’s conduct to the Oregon State Police.

1 7.

2 After Mr. Crawford's reports to the media and law enforcement, OSH's treatment of him
3 changed. OSH had recently been the subject of an investigation by the U.S. Department of
4 Justice and many OSH employees were upset that Mr. Crawford's reports could draw additional
5 scrutiny to the hospital. In October 2013, OSH transferred Mr. Crawford away from the unit at
6 which he had been living, Bridge Two. On information and belief, Defendant Chaney was
7 involved in the decision to transfer Mr. Crawford.

8 8.

9 Bridge Two was the least restrictive ward at OSH and allowed patients the greatest level
10 of freedom. On Bridge Two, Mr. Crawford's limited medication was well-managed; he was able
11 to participate in a number of OSH's programs and activities, and he enjoyed a relatively
12 independent lifestyle. Without justification, Mr. Crawford was moved from Bridge Two to Unit
13 Bird Two. Unit Bird Two was one of the most restricted wards at OSH where patients had
14 constant supervision and were often heavily medicated.

15 9.

16 Life on Unit Bird Two was much worse for Mr. Crawford. His movements were much
17 more restricted and he was subjected to one-on-one monitoring, in which an OSH staff member
18 followed his movements at all times. He was no longer able to participate in the programs and
19 activities that had previously been a large part of his treatment. Most significantly,
20 Mr. Crawford's medication—which was overseen by Defendant Chaney—was changed
21 dramatically. Whereas the medication that Mr. Crawford received on Bridge Two was well-
22 balanced and allowed him to lead a functional, social lifestyle, the medication that he received on
23 Unit Bird Two put him in a state of near-constant sedation.

24 10.

25 Not long after his transfer to Unit Bird Two and change in medication, Mr. Crawford
26 began expressing to his friends at the hospital that he feared for his life because of the changes

1 that OSH had made to his treatment. On January 3, 2014, Mr. Crawford's fears were realized
2 and he was found dead in his room. He was 46 years old.

3 11.

4 The official autopsy, which was not finalized until April 24, 2014, listed "hypertensive
5 cardiovascular disease" as the cause of Mr. Crawford's death. However, Mr. Crawford did not
6 have a history of cardiovascular disease or any other type of serious heart condition.

7 12.

8 The toxicology report revealed a mixture of at least eight different drugs in
9 Mr. Crawford's system. It was the mixture of these drugs—ordered and administered by OSH
10 under the direction of Defendant Chaney—that was the direct and proximate cause of
11 Mr. Crawford's death.

12 13.

13 On December 5, 2014, Plaintiff timely filed a Tort Claim Notice.

14 FIRST CLAIM FOR RELIEF

15 (Negligence – Wrongful Death)

16 (Against Defendant OHA)

17 14.

18 Plaintiff realleges paragraphs 1 through 13 as though fully set forth herein.

19 15.

20 Each and every employee or staff member of Defendant OHA was acting within the
21 scope and course of his or her employment with Defendant OHA.

22 16.

23 Defendant OHA, as a provider of medical treatment treating a patient with known and
24 observable mental health issues, was professionally obligated to provide treatment to
25 Mr. Crawford to protect him from harm.
26

1 17.

2 Defendant OHA owed Mr. Crawford a duty to adequately treat and care for him with the
3 degree of care, skill and diligence, which is used by ordinarily careful professionals in the same
4 or similar circumstances in the community in which they practice or in a similar community.

5 18.

6 Defendant OHA was negligent and breached its duty to Mr. Crawford in one or more of
7 the following particulars:

8 (a) In failing to adequately treat and care for Mr. Crawford with the degree of care,
9 skill and diligence, which is used by ordinarily careful professionals in the same or similar
10 circumstances in the community in which they practice or in a similar community;

11 (b) In failing to provide adequate care and treatment of Mr. Crawford's bipolar
12 disorder;

13 (c) In failing to adequately monitor Mr. Crawford's use of psychotropic medication
14 through proper laboratory testing, monitoring and medical oversight;

15 (d) In failing to follow the OSH Medication Administration Policy;

16 (e) In failing to adequately assess Mr. Crawford's medical condition, including any
17 symptoms and signs that would indicate a decline in his medical condition;

18 (f) In failing to obtain the adequate testing to diagnose Mr. Crawford with any
19 medical conditions that would make the administration of prescribed medications unsafe;

20 (g) In failing to monitor and chart Mr. Crawford's medical conditions and treatment
21 to provide comprehensive care; and

22 (h) In failing to properly train and supervise OSH staff to provide adequate care and
23 treatment.

24 19.

25 Defendant OHA's negligence was a substantial factor in causing Mr. Crawford's death.
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20.

As a direct and proximate result of Defendant OHA’s negligence, Mr. Crawford suffered injuries that resulted in his death.

21.

Plaintiff, on behalf of the beneficiaries of Mr. Crawford’s estate, is entitled to recover:

(a) The pecuniary loss to the estate, including, but not limited to, reasonable charges for burial and memorial services rendered for the decedent;

(b) Compensatory damages to compensate for the pain and suffering experienced by Mr. Crawford prior to his death; and

(c) Compensatory damages for the loss of companionship, society and comfort of Mr. Crawford.

22.

For these damages, Plaintiff should be awarded an amount to be determined at trial, but in no event less than \$1.9 million.

23.

Plaintiff should be awarded her costs and disbursements against Defendant OHA.

SECOND CLAIM FOR RELIEF

(Whistleblower Retaliation – ORS 430.755)

(Against Defendant OHA)

24.

Plaintiff realleges paragraphs 1 through 13 as though fully set forth herein.

25.

Each and every employee or staff member of Defendant OHA was acting within the scope and course of his or her employment with Defendant OHA.

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1 26.

2 By reporting the sexual relationship between Ms. Barren and an OSH patient to OSH
3 supervisors, the media, and the Oregon State Police, Mr. Crawford made a good faith report of
4 suspected abuse.

5 27.

6 Defendant OHA retaliated against Mr. Crawford by taking adverse actions against him
7 because of Mr. Crawford's good faith reports. Specifically, Defendant OHA transferred
8 Mr. Crawford to a more restrictive unit at OSH, placed him on one-to-one supervision, decreased
9 his ability to take part in programs essential to his treatment, and placed him on medications that
10 induced a near-constant state of sedation and eventually resulted in his death.

11 28.

12 Defendant OHA's retaliation against Mr. Crawford was in violation of ORS 430.755 and
13 OAR 943-045-0340.

14 29.

15 Defendant OHA's retaliation caused Mr. Crawford to suffer fear, anxiety, emotional
16 distress, and over-medication that eventually resulted in Mr. Crawford's death.

17 30.

18 Plaintiff, on behalf of the beneficiaries of Mr. Crawford's estate, is entitled to recover:

19 (a) The pecuniary loss to the estate, including, but not limited to, reasonable charges
20 for burial and memorial services rendered for the decedent;

21 (b) Compensatory damages to compensate for the pain and suffering experienced by
22 Mr. Crawford prior to his death; and

23 (c) Compensatory damages for the loss of companionship, society and comfort of Mr.
24 Crawford.

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1 31.

2 For these damages, Plaintiff should be awarded an amount to be determined at trial, but
3 in no event less than \$1.9 million.

4 32.

5 Plaintiff should be awarded her costs and disbursements against Defendant OHA.

6 THIRD CLAIM FOR RELIEF

7 (42 U.S.C. § 1983)

8 (Against Defendant Chaney)

9 33.

10 Plaintiff realleges paragraphs 1 through 13 as though fully set forth herein.

11 34.

12 Mr. Crawford had a right under the Constitution of the United States to bodily integrity
13 and to be free from cruel and unusual punishment.

14 35.

15 At all times relevant to this Complaint, Defendant Chaney was acting under the color of
16 law—under the constitutions, statutes, administrative rules, customs, policies, and usages of the
17 State of Oregon and the United States—and had assumed the responsibilities, activities, and
18 rights involved in exercising her role as a psychiatric-mental health nurse practitioner at OSH.

19 36.

20 While Mr. Crawford was under the supervision and care of Defendant OHA, Defendant
21 Chaney acted with deliberate indifference to the known and recognized constitutional and legal
22 rights of Mr. Crawford to bodily integrity and to be free from cruel and unusual punishment by:

23 (a) Transferring Mr. Crawford to a more restrictive unit and increasing his intake of
24 psychotropic medications without medical justification;

25 ///

26 ///

1 (b) Prescribing and administering a mixture of medications to Mr. Crawford that
2 Defendant Chaney knew or should have known posed a threat to Mr. Crawford's life and
3 wellbeing;

4 (c) Failing to ensure that the mixture of medications prescribed and administered to
5 Mr. Crawford would not result in harm to Mr. Crawford; and

6 (d) Failing to adequately document and monitor the medications taken by
7 Mr. Crawford to ensure that all potential harmful interactions between the medications were
8 avoided.

9 37.

10 The conduct of Defendant Chaney, within her duties as a psychiatric, mental health nurse
11 practitioner at OSH and under color of state law, deprived Mr. Crawford of rights, privileges,
12 and immunities secured by the United States Constitution. Specifically, Mr. Crawford was
13 deprived of his constitutional right to bodily integrity under the Fourteenth Amendment of the
14 United States Constitution, as well as his constitutional right to be free from cruel and unusual
15 punishment under the Eighth Amendment of the United States Constitution.

16 38.

17 As a result of Defendant Chaney's deprivation of Mr. Crawford's constitutional interests,
18 Mr. Crawford suffered fear, anxiety, and emotional distress, as well as physical injuries that
19 resulted in his death.

20 39.

21 Plaintiff is entitled to bring this claim pursuant to ORS 30.020(1). Plaintiff, on behalf of
22 the beneficiaries of Mr. Crawford's estate, is entitled to damages for Mr. Crawford's injuries
23 arising out of the deprivation of his constitutional rights in an amount to be determined at trial,
24 but in no event less than \$5 million.

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26 ///

1 40.

2 Plaintiff is also entitled to an award of punitive damages and intends to file a motion
3 pursuant to ORS 31.725.

4 41.

5 Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

6 WHEREFORE, Plaintiff prays for a jury trial and for a general judgment against
7 Defendants as follows:

8 1. On Plaintiff's First Claim for Relief, compensatory damages in an amount to be
9 determined at trial but in no event less than \$1.9 million, plus costs and disbursements;

10 2. On Plaintiff's Second Claim for Relief, compensatory damages in an amount to
11 be determined at trial but in no event less than \$1.9 million, plus costs and disbursements;

12 3. On Plaintiff's Third Claim for Relief, compensatory damages in an amount to be
13 determined at trial but in no event less than \$5 million, plus attorneys' fees, costs, and
14 disbursements; and

15 4. Such other and further relief as the Court may deem appropriate in the
16 circumstances.

17 Dated this 29th day of December, 2015.

18 KELL, ALTERMAN & RUNSTEIN, L.L.P.

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