



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda June 25, 2002

To: Board of Supervisors

Re: Claim of Mr. Steven Michael Elliot, No. 102-130

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

1. Reject the claim of \_\_\_\_\_ and refer to County Counsel.
- X   2. Deny the application to file a late claim on behalf of Mr. Steven Michael Elliot,  
and refer to County Counsel. No. 102-130
3. Grant the application to file a late claim on behalf of \_\_\_\_\_  
and refer to County Counsel.
4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_  
and reject the balance, if any, and refer to County Counsel.
5. Reject the claim of \_\_\_\_\_ as insufficiently filed  
and refer to County Counsel.

cc: Rama Khalsa, Administrator  
Health Services Agency

### RISK MANAGEMENT

By Janet McKinley  
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Kim Elizabeth Baskett  
Kim Elizabeth Baskett, Assistant County Counsel

102-130

E 11107

**APPLICATION FOR LEAVE TO FILE A LATE CLAIM***Pursuant to Section 911.4 of the Government Code*

0022

TO: CLERK OF **THE** BOARD OF SUPERVISORS  
 701 OCEAN STREET, ROOM 500  
 SANTA CRUZ, CA 95060

(831)454-2323 Phone  
 (831)454-2327 Fax

MR. STEVEN MICHAEL ELLIOT

hereby makes application for leave to present a late claim founded  
 on a cause of action for OVERDOSED AT SANTA CRUZ HEALTH SERVICES  
 which occurred on 6-11-01 and for which a claim was not presented within six (6)  
 months, (for death, injury to personal property or person or crops) or 1 year (any other cause of action),  
 by Section 911.2 of the Government Code. For additional circumstances relating to the said cause of  
 action, claimant refers to and hereby incorporates by reference, the proposed claim attached to this  
 application.

Claimant hereby sets forth the following reasons why said claim was not timely presented:

\* PLEASE READ PAPERWORK

Said application is being presented within a reasonable time after occurrence of said cause of action, not to  
 exceed one year from the date of the occurrence giving rise to the claim.

WHEREFORE, claimant respectfully requests that said application be granted pursuant to Government  
 Code 911.6 and that said claim which is hereby attached, be received and acted on in accordance with  
 Sections 910 et seq., of the Government Code of the State of California.

DATED 5/21/2002CLAIMANT Mr. Steven Michael Elliot

Rev. 9/00  
 PER5115  
 Forms

**12**2/5-22-02

COUNTY OF SANTA CRUZ  
HEALTH SERVICES AGENCY PHARMACY  
1080 EMELINE AVE. 454-5450 SANTA CRUZ, CA 95060

CUSTOMER should be provided a copy of this form in any printed form provided for system protection.

No: C014411  
ELLIOT, STEVEN

Dr. MULLER, M  
06/11/2001 AVA

TAKE 1 TO 3 TABLETS AT BEDTIME FOR PAIN

AMITRIPTYLIN (SIDMAK )  
10MG TAB 100  
GENERIC FOR: ELAVIL  
REFILL: 1  
EXP DATE:  
CHARGE: \$13.15 HOME has a \$2.00 CoPay

Obtain Medical Advice Before  
Taking Nonprescription Drugs.  
Some May Affect The Action Of  
This Medication.

Taking This Medicine Alone Or  
With Alcohol May Lessen Your  
Ability To Drive Or Perform  
Hazardous Tasks.  
You Should Avoid Prolonged Or  
Excessive Exposure To Direct  
And/Or Artificial Sunlight While  
Taking This Medicine.

May Cause Drowsiness  
Or Dizziness

ELLIOT, STEVEN  
AGE= 47 YEARS  
No: C014411

Dr. MULLER, M  
06/11/2001 AVA

AMITRIPTYLIN (SIDMAK )  
10MG TAB 100  
Homeless Project Grant  
5011 1366 03 Last fill= 05/16/2002

I HEREBY CERTIFY THAT I AM ELIGIBLE TO RECEIVE THE MEDICATIONS THAT I  
HAVE RECEIVED PURSUANT TO THE BENEFITS REPRESENTED AND THAT I HAVE  
RECEIVED WRITTEN CONSULTATION PERTAINING TO THE DRUG(S) RECEIVED TODAY.  
C014411 Counseling - Recd: Refused:

ELLIOT, STEVEN

# SANTA CRUZ HEALTH SERVICES AGENCY

1080 Emeline Avenue  
Santa Cruz, CA 95060  
(831) 454-4100

David R. McNutt, M.D.  
CA # C31032  
DEA # BM076290

ELLIOT, STEVEN HSA#: 2223217D  
DOB: 04/10/1955 Sex: M Age: 46 BCI: 1  
Phone#: 559-90120

printed: 3:31 PM 6/11/01 by AR.A \*\*\* CONFIDENTIAL \*\*\*

Rx

*1-3 p- 4th pa-*

Payor

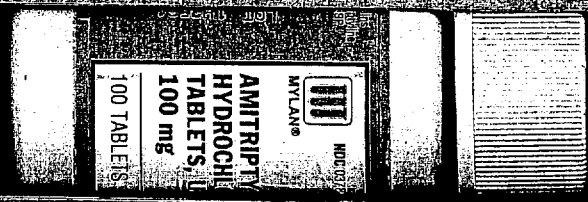
( ) NR ( ) Label in Spanish ( ) Refill 1 Times  
( ) Dispense Generic Equivalent Unless Checked

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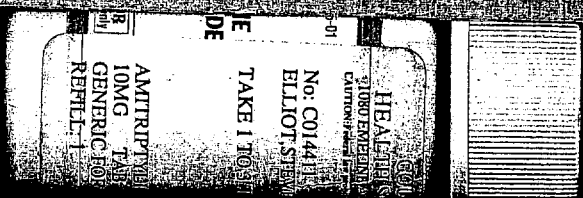
HSA# 31 revised 02/01 (front)

Physician Date  
Lic # DEA #

Payor







5-21-2002

PAGE ①

MY NAME IS MR STEVEN MICHAEL ELLIOT.  
I HAVE LIVED IN SANTA CRUZ FROM  
10/2000 TO DATE (5/2002). I WAS A  
VICTIM OF TWO MAJOR CAR CRASHES  
AND A FALL FROM A ROOF. ALSO I BROKE MY  
RIBS WHEN MY MOTHER FELL IN FRONT  
OF ME. I GRABED HER AS SHE FELL, SNAPING  
4 RIBS. I WAS ATTACKED BY TWO MEN  
IN FRONT OF THE COPPER HOUSE ON  
PACIFIC AVE. ONE OF THE TWO MEN  
REBROKE THE RIBS WITH A SKATEBOARD.  
I'M LIVING WITH A LOT OF PAIN.

WHEN I MOVED TO SANTA CRUZ, I WENT  
TO THE SANTA CRUZ COUNTY HEALTH  
CENTER AT 1080 EMELINE SANTA CRUZ,  
CA 95060 PHONE # 454-4100.

6-11-01 I WENT TO THE PHARMACY  
IN THE SAME BUILDING. I TURNED  
IN A PRESCRIPTION FOR A 10mg TAB  
BOTTLE OF DEPRESSION MEDICINE.

MY DOCTOR SAID TO TAKE ONE TO THREE  
TABS A NIGHT. I PICKED THIS DRUG UP  
FROM THE PHARMACY AND TOOK ONE  
THAT NIGHT. I HAD NEVER TAKEN ANY  
TYPE OF DEPRESSION MEDICINE BEFORE THAT NIGHT,

5-21-2002

PAGE (2)

WHEN I TOOK THE DEPRESSION MEDICINE,  
A BIG BAD REACTION STARTED.  
FOR  $3\frac{1}{2}$  OR MORE DAYS IT SENT ME  
**IN FEAR** TO THE MOON.

WHAT A RIDE!!!!

THE NEXT DAY AFTER **TAKING** THIS  
MEDICAN, I CALLED MY DOCTOR TRYING  
TO GET THE ANADOTE FOR THE DRUG.  
THE HEALTH CENTER TOLD ME TO COME  
IN AND THAY WOULD GIVE ME THE  
ANADOTE. SO I WENT IN. IT WAS  
A BIG RUN AROUND. AFTER HOURS OF  
RUN AROUND, THEN THAY TOLD ME THERE  
WAS NO ANADOTE FOR THAT DRUG.

I HAD TO WAIT OUT THE DRUG FOR  
 $3\frac{1}{2}$  OR MORE DAYS

BECAUSE OF THE FEAR OF THAT DRUG,  
I PUT THE BOTTLE OUT OF MY SITE.

BECAUSE OF FEAR OF ANOTHER BAD  
REACTION, I DID NOT TAKE ANY MORE  
DEPRESSION MEDICINE FROM (6/2001) TO (5/2002)

5-21-2002

PAGE (3)

I HAVE LIVED WITH DEPRESSION ALL THIS TIME.

AGAIN ON 5/8/02 I SAW MY DOCTOR. TWO DAYS LATER I FOUND THE BOTTLE OF DEPRESSION MEDICINE. AS I WAS LOOKING AT THE LABEL THAT THE PHARMACY PLACED OVER THE MANUFACTURERS LABEL, IT READ 10 mg TABS. SOME OF THE MANUFACTURERS LABEL WAS EXPOSED.

THATS WHEN  
MY EYES SAW IT ! ! ! ! !  
THE MANUFACTURERS LABEL READ  
→ 100 mg

TEN TIMES THE DOSE MY DOCTOR ASKED FOR.

TEN TIMES THE DOSE THE PHARMACY LABEL STATED.

TEN TIMES THE DOSE THE PRESCRIPTION ASKED FOR.



5-21-2002  
PAGE (4)

SOMEONE IN THE COUNTY PHARMACY  
OVERDOSED ME BIG TIME!

I JUST FOUND THIS OUT (5/2002)

MAD?

YOUR DAM RIGHT I'M MAD

WHY WAS THIS NOT CAUGHT?

WHY DID NO ONE TELL ME ANYTHING?  
AFTER ALL THIS TIME NO ONE SAID  
A THING

A COVER UP I SAY!

THAT PHARMACY HAS A COMPUTER!  
THAT PHARMACY HAS TO KEEP TRACK  
OF ALL THERE INVENTORY. IF A BOTTLE  
OF 100mg TABS ARE MISSING, DO THEY  
JUST SAY O WELL? IF ALL YOUR  
BOTTLES OF 10mg TABS ARE STILL  
ON THE SHELF BUT THERE IS  
A PRESCRIPTION SLIP FOR 10mg AND  
A BOTTLE OF 100mg MISSING, WHAT  
DOSE THIS TELL YOU?

5-21-2002  
PAGE (5)

SOMEONE MUST HAVE THE WRONG  
MEDICINE.

IT'S THERE ~~JOB~~ TO RUN A SAFE  
PHARMACY.

HOW MANY TIMES A DAY, A WEEK,  
A MONTH, A YEAR IS THIS HAPPING  
AT THIS PHARMACY?

HOW DO I KNOW IF THE OTHER PILLS I  
GET FROM THAT PHARMACY ARE THE RIGHT  
PRESCRIPTION.

\* → THIS PHARMACY IS NOT SAFE  
FOR ANYONE!

→ THIS PHARMACY IS NOT MY DOCTOR!

→ THEY HAD NO RIGHT TO CHANGE  
10 mg TO 100 mg TABS AT THERE  
WILL!

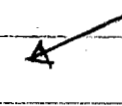
AGAIN I SAY

→ THEY HAD NO RIGHT TO OVERDOSE  
ME!!!!!!

THEY MUST THINK I'M A FOOL  
OR WERE THEY TRYING TO MAKE  
ME ONE? ???!!

5-21-2002  
PAGE (6)

WHAT IF I HAD TAKEN 2 OR 3 TABS?  
WHAT WOULD **I** BE TODAY?  
**O WELL ?**

~~I ASK~~ NO 

**I DEMAND THAT I BE ABLE  
TO RECOVER DAMAGES!**

→ I WONT A WRITEN APOLOGY  
AND  
→ 10 TIME THE OVERDOSE

→ \$1000 X 10 = \$10,000<sup>00</sup>

→ BUT TO BE FAIR, I WILL SETTLE FOR A SUM  
OF \$**6000<sup>00</sup>** TO **DROP THIS MATER AND  
WALK AWAY.**

THIS PHARMACY MESSED WITH MY MIND BIG TIME.

WHAT IF IT WERE A HEART MEDICINE? ECT  
I HOPE I HAVE SPELLED IT OUT PLAIN AND  
SIMPLE TO YOU. IF NOT LET ME KNOW

THANK YOU FOR YOUR TIME.

MR Steven Michael Elliot 5/21/2002