

CHRIS DEROSE
Clerk of the Superior Court
By Sena Allen, Deputy
Date 05/22/2018 Time 12:13:28
Description Amount
----- CASE# CV2018-092390 -----
CIVIL NEW COMPLAINT 338.00
TOTAL AMOUNT 338.00
Receipt# 26605114

LAW OFFICES OF ANDREW IVCHENKO
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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

RENEE IVCHENKO, a married woman,

Case No.: CV CV 2018-092390

Plaintiff

COMPLAINT
(Negligence, Medical Malpractice)
(Jury Trial Demanded)

vs.

THE RIVER SOURCE TREATMENT
CENTER, INC., an Arizona corporation; THE
RIVER SOURCE TREATMENT CENTER -
CASA GRANDE LLC, an Arizona limited
liability company; THE RIVER SOURCE
IOP, LLC, an Arizona limited liability
company; DR. HANIFAH MUHAMMAD, an
Arizona naturopathic physician, and JOHN
DOE MUHAMMAD, a married couple;
JOHN DOES and JANE DOES I-X; BLACK
CORPORATIONS I-X; and WHITE
COMPANIES I-X,

Defendants.

Plaintiff Renee Ivchenko, by and through her undersigned counsel, for her Complaint
against Defendants, alleges the following:

JURISDICTION AND PARTIES

1. Plaintiff is a resident of Maricopa County, Arizona.
2. Defendants The River Source Treatment Center, Inc., an Arizona corporation;
The River Source Treatment Center – Casa Grande LLC, an Arizona limited liability company;
and The River Source IOP, LLC, an Arizona limited liability company (collectively, the

1 Defendants "River Source"), are drug and alcohol treatment facilities with locations in Maricopa
2 County, Arizona and Pinal County, Arizona.

3 3. Defendants JOHN and JANE DOES I-X; BLACK CORPORATIONS I-X; and
4 WHITE COMPANIES I-X, are persons, partnerships, corporations or unincorporated associates
5 subject to suit in a common name whose names are unknown to the Plaintiff and who are wholly or
6 partially responsible for the acts complained of, and therefore, designated by fictitious names
7 pursuant to Rule 10(f), Arizona Rules of Civil Procedure. Plaintiff will ask leave of the Court to
8 substitute the true names of the said parties prior to the entry of Judgment herein.

9 4. Defendant Dr. Hanifah Muhammad (hereinafter "Defendant Muhammad"), at the
10 time of the alleged medical malpractice, was an employee/agent/servant of Defendant River
11 Source and was acting within the scope of that employment/agency/servant relationship when
12 she failed to follow the applicable standard of medical care during her treatment of Plaintiff on or
13 about March 27, 2017, which proximately resulted in a physical injury to Plaintiff.

14 5. Defendant Muhammad, upon information and belief, is a resident of Maricopa
15 County and at all times relevant was married to John Doe Muhammad, who is named by
16 fictitious name until the true name is ascertained. All acts of Defendant Muhammad were done
17 for and on behalf of herself, individually, and the community comprised of herself and John Doe
18 Muhammad. Plaintiff may ask leave of this Court to amend this Complaint to insert the true
19 name of Defendant John Doe Muhammad when it becomes known to Plaintiff.

20 6. The Superior Court has subject matter and personal jurisdiction over Defendants,
21 pursuant to A.R.S. §22-201(B) and Art. 6, §14, Arizona Constitution, and Maricopa County is a
22 proper venue, pursuant to A.R.S. §12-401(18).

23 GENERAL ALLEGATIONS

24 7. On March 24, 2017, Plaintiff was admitted to Defendant River Source for acute
25 alcohol detox. Her care was overseen by various naturopathic medical doctors, including
26 Defendant Muhammad.

27 8. Plaintiff has a long and complex history of severe alcohol abuse, with numerous
28 hospitalizations and several failed treatment efforts. Plaintiff also has a known and documented
history of experiencing severe withdrawal symptoms, including respiratory failure, along with
seizures and delirium tremens that have resulted in serious and traumatic physical injuries.
Defendant River Source's records, including its Preliminary Assessment and Treatment Plan and

1 Session Report documents dated March 24, 2017, as well as medical information that Defendants
2 received upon Plaintiff's admission, document this history in detail.

3 9. Despite repeated requests to consult with a conventional medical doctor, Plaintiff
4 did not receive a proper medical evaluation during the first three days of her admission at the
5 River Source facility, was not treated with appropriate medication, did not receive adequate
6 supervision, and was unable to contact any friends or family to assist her with obtaining help due
7 to a mandatory seven-day blackout period imposed by Defendant River Source.

8 10. From March 24, 2017 to March 27, 2017, Defendant River Source's medical staff
9 followed a standard Diazepam (Valium) titration protocol, with 10 mg administered four
10 times/day. Additionally, despite a history of withdrawal seizures, Defendant River Source did
11 not provide any orders, prescriptions, or treatment with anti-seizure medications, such as
12 Depakote. Defendant River Source's web site states that "every patient has a different medical
and dependency history, and we treat them as individuals with specific needs."

13 11. Plaintiff arrived at Defendant River Source's facility heavily impaired on March
14 24, 2017, and was physically shaking and in extreme discomfort due to alcohol withdrawal
15 starting on March 26, 2017. According to Defendant River Source's Session Reports, she had
16 difficulty standing, and was presenting obvious signs of alcohol withdrawal including tremors,
17 anxiety, agitation, dizziness, body aches, pain, and difficulty sleeping. Plaintiff informed the
18 medical staff repeatedly that she was a seizure risk (Plaintiff had a seizure as recently as January
19 2017) and needed more aggressive doses of medication to alleviate her symptoms and prevent a
20 seizure. Plaintiff also expressed concerns that she was not receiving the proper medication,
21 including Ativan on a tapered schedule, and pleaded to see a physician or speak with her family
22 members, as documented by Defendant River Source's Session Reports. These requests were
refused.

23 12. Defendant River Source's medical staff did not address Plaintiff's concerns.
24 Defendant Muhammad in particular was dismissive, stating that "everyone shakes when
25 detoxing, and that seizures happen." This uncertainty and indifference caused Plaintiff
26 considerable emotional and physical distress.

27 13. Plaintiff's condition necessitated additional attention and evaluation from
28 Defendant River Source' medical staff and a more aggressive medication approach rather than
the standard protocol that clearly was not working. Instead, Plaintiff's concerns were largely

1 ignored and she continued to be treated for mild alcohol withdrawal, whereas her symptoms and
2 history clearly warranted a more aggressive approach, or transfer to an acute care detox facility.
3 Defendant River Source's Session Report, dated March 25, 2017, stated that Plaintiff would be
4 offered "a referral to St. Luke's if [her] detox symptoms are not well controlled with the
5 [Defendant River Source's] treatment plan."

6 14. On March 27, 2017, at 8:04 AM, Plaintiff's Clinical Institute Withdrawal
7 Assessment for Alcohol (CIWA) Score, a ten-item scale used in the assessment and management
8 of alcohol withdrawal, had increased from 4 to 8 within the previous nine hours. Her symptoms
9 included nausea, tremors, anxiety, and agitation. At this time, Plaintiff was under the care of
10 Defendant Muhammad, who did nothing to alleviate her symptoms, which clearly were
11 suggesting an impending seizure. Defendant River Source's Session Report at this time stated
12 that Defendant Muhammad would "look into" other medications. The only change to Plaintiff's
13 treatment plan made by Defendant Muhammad that day was adding Mirtazapine for insomnia.

14 15. On March 27, 2017, at 9:15 AM, Defendant River Source's Session Report
15 indicated that Plaintiff expressed concerns about being inadequately medicated and stated that
16 she felt a seizure was imminent. Plaintiff requested to speak with her family and be transferred to
17 another facility. These requests were denied.

18 16. On March 27, 2017, at 5:00 PM, Plaintiff suffered a severe withdrawal seizure
19 and fell while walking down the hallway unassisted. Upon regaining consciousness, she feared
20 for her life, and was subsequently transported to Banner Casa Grande Medical Center. While in
21 the Banner Casa Grande ER, she experienced an additional seizure and fall in the bathroom,
22 which necessitated a CT scan. She was treated with more aggressive medication than provided
23 by Defendant River Source. Banner's physicians noted that Plaintiff was still experiencing
24 obvious alcohol withdrawal (including tremor of hands), and commented that the River Source
25 staff had apparently undermedicated her. The ER physicians noted in Plaintiff's record that River
26 Source did not "medicate [Plaintiff] for expectant seizures," based on their discussion with River
27 Source's medical staff.

28 17. On March 29, 2017, after returning to Defendant River Source, Plaintiff spoke
with Dr. Palmer, ND, who informed her that the entire medical staff was in agreement that the
River Source facility was not equipped to handle her detox, and that she should go to St. Luke's
hospital in Phoenix, as they are a higher-level medical detox facility. Defendant River Source

1 should have known this beforehand, if had they properly evaluated her medical state. Plaintiff
2 refused to go to St. Luke's, as her history is such that after her initial withdrawal seizure (or
3 initial cluster of seizures) she did not experience additional withdrawal seizures during that detox
4 period.

5 18. Defendant River Source kept Plaintiff on "lockdown" as a seizure risk until April
6 5, 2017. She was discharged on April 12, 2017, which Defendant River Source deemed was
7 "against clinical advice" in their exit document.

8 19. Defendant River Source claims in its advertising literature to be renowned for its
9 "unique integrative approach" and the "expertise of a Licensed Physician and a Licensed
10 Therapist who specialize in addictive medicine," and also assures patients that "detox pain will
11 be minimal" and "detox symptoms are significantly reduced."

12 20. Defendant River Source assures its patients in its advertising literature that its
13 "Licensed Doctors support patients by determining and prescribing the most medically
14 comfortable addiction detoxification protocol." Defendant River Source further assures patients
15 that they will receive "Professional Pre-Admission Assessments to ensure that we are a good fit
16 for what you need and want," including "medication management that the doctor will provide
17 and monitor the appropriate medication and tapering."

18 21. Defendant River Source's represents in its advertising literature that its detox
19 capabilities were superior to other treatment centers that provide "minimal medical treatment and
20 supervision during the initial withdrawal process," and that the "major difference between The
21 River Source Method and other medical detoxifications is the safety, comfort and success of our
22 patients."

23 22. When it admitted Plaintiff to its care, Defendant River Source ignored the medical
24 history provided by Plaintiff and concerns expressed by her, and refused to provide her with the
25 medical care and supervision she required. Given its knowledge of Plaintiff's history and
26 propensity for seizures, Defendant River Source's failure to provide Plaintiff with proper care,
27 treatment, and supervision fell far below the standard of care.

28 23. Plaintiff suffered and continues to suffer pain, anxiety, worry, fear, stress, and
embarrassment as a result of the incident.

24 24. Upon information and belief, Defendant River Source's treatment fell below the
standard of care for a detox facility and substance abuse treatment center.

1 25. Upon information and belief, Defendant River Source failed to act with
2 reasonable care and was negligent in its employment of proper procedures involving the
3 management of Plaintiff's alcohol detox.

4 26. Upon information and belief, Defendant Muhammad failed to act with reasonable
5 care and was negligent in the management of Plaintiff's alcohol detox symptoms.

6 **CAUSES OF ACTION**

7 27. Plaintiff reincorporates and re-alleges each preceding paragraph as if fully set forth
8 herein.

9 28. Plaintiff is entitled to recover damages from Defendants, jointly and severally
10 based on the theories of liability hereinafter enumerated in Counts I and II, and under such other
11 theories of liability as may be appropriate based upon the facts as alleged herein or as revealed
12 during discovery.

13 **COUNT I – Negligence/Medical Malpractice**
14 **(As to Defendant Muhammad)**

15 29. Plaintiff reincorporates and re-alleges each preceding paragraph as if fully set forth
16 herein.

17 30. Defendant Muhammad had a duty to Plaintiff to use the due care of a
18 Naturopathic Physician in treating Plaintiff for alcohol withdrawal and avoiding a seizure.

19 31. Defendant Muhammad breached such duty by either failing to properly diagnose
20 Plaintiff's medical state and adjust her medications, contact the medical director for further
21 guidance, or transfer Plaintiff to an acute care detox facility properly equipped to handle her care.

22 32. The foregoing acts and omissions of Defendant Muhammad were acts and
23 omissions constituting conduct below the standards of the medical profession in Defendant
24 Muhammad's community and individually and/or collectively caused injury to Plaintiff.

25 33. As a proximate result of Defendant Muhammad's conduct alleged herein, Plaintiff
26 has been damaged in an amount to be proven at trial.

27 **COUNT II – Negligence/Medical Malpractice**
28 **(As to Defendant River Source)**

29 34. Plaintiff reincorporates and re-alleges each preceding paragraph as if fully set forth
30 herein.

1 35. Defendant River Source owed a duty of care to patients, including but not limited
2 to Plaintiff, under its care and control.

3 36. Defendant River Source breached such duty when it failed to perform according
4 to the accepted standards for detox facilities and treatment centers in that Defendant River
5 Source failed to employ proper procedures for ensuring that patients like Plaintiff receive
6 appropriate medication management and monitoring to avoid adverse medical consequences
7 such as seizures.

8 37. Defendant River Source's breach of duty was the proximate cause of the seizure
9 that led to Plaintiff's injuries.

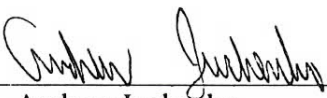
10 38. As a proximate result of Defendant River Source's conduct alleged herein,
11 Plaintiff has been damaged in an amount to be proven at trial.

12 WHEREFORE, Plaintiff requests that the Court enter judgment in her favor and against
13 Defendants, and each of them, as follows:

- 14 1. For general and special damages in an amount to be proven at trial;
15 2. For punitive damages consistent with proof in this action;
16 3. For Plaintiff's reasonable costs incurred herein;
17 4. For such other and further relief as the Court deems just.
18

19 DATED this 22nd day of May, 2018.

20 LAW OFFICES OF ANDREW IVCHENKO

21 By: 
22 Andrew Ivchenko
23 Attorney for Plaintiff
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1 Original filed this 11 day of
2 May, 2018 with:

3 Clerk of Court
4 Maricopa County Superior Court
5 222 E Javelina Ave.
6 Mesa, AZ 85210

7 By: Andrew Ivchenko
8 Andrew Ivchenko
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