

Feb 21, 2017, 10:23 am

RECEIVED ELECTRONICALLY

No. 93312-0

SUPREME COURT OF THE STATE OF WASHINGTON

RUDY FRAUSTO,

Appellant,

v.

YAKIMA HMA, LLC, et al.,

Respondents.

ON APPEAL FROM YAKIMA COUNTY SUPERIOR COURT
(Hon. Susan L. Hahn)

**MEDICAL ASSOCIATION *AMICI*'S STATEMENT OF
ADDITIONAL AUTHORITY**

Gregory M. Miller, WSBA #14459

CARNEY BADLEY SPELLMAN, P.S.
701 Fifth Avenue, Suite 3600
Seattle, Washington 98104-7010
(206) 622-8020

*Attorneys for Amici Curiae Washington
State Medical Association, Washington
Academy of Family Physicians,
Washington Chapter, American College
of Emergency Physicians, and the
American Medical Association*

Pursuant to RAP 10.8, Medical Association *Amici Curiae*
submit the following additional authority on the following issue:

Whether an ARNP licensed and certified in *pediatrics* lacks the basis to testify as to medical causation of pressure ulcers in an *adult* because that is beyond the scope of the ARNP's certification, licensure, and knowledge (*see Amici's* brief at pp. 4-5, 6-7), exemplified by the material difference between diagnosis and treatment of pressure ulcers ("bedsores") in children and adults (*see* pp. 6-7 of the Appellant's Answer to Amicus Curiae asserting no difference in treating and preventing "bedsores" in adults and children):

See generally Baharestani et al, "Pressure Ulcers in Neonates and Children: An NPUAP White Paper," 20 ADVANCES IN SKIN AND WOUND CARE 208 (2007), at http://www.npuap.org/wp-content/uploads/2012/01/peds_white_paper.pdf. Specifically:

There is an emerging awareness that acutely ill and immobilized neonates and children are at risk for pressure ulcers. However, empirical data on which to base guidelines for clinical practice are scarce.[fn.] 1–5 In fact, most prevention and treatment protocols are extrapolated from adult practice guidelines. [fn.] 2, 6–10 **Given the anatomic and physiologic differences between adults and children, serious concerns arise about the safety, clinical efficacy,** and cost-effectiveness **of using adult protocols** and products **for neonates and children**. [fn.] 11,12 Evidence-linked clinical practice guidelines for prevention and treatment that specifically address the pediatric population are needed.

#

Many factors have been identified as contributing to skin breakdown in the pediatric population. However, insufficient evidence exists to determine exactly which are true risk factors and which can be modified or reduced. . . .

The sacrum, the largest bony area, is the most common location for pressure ulcers in adults. In the pediatric population, the

occiput is the largest bony prominence and the most common site of pressure ulcer development. [fn.]16–18

#

. . . there is no agreement on which risk factors contribute to pressure ulcer development in neonates and children . . .

Baharestani et al, *supra*, 20 ADVANCES IN SKIN AND WOUND CARE at 208, 210 (emphasis added). *See also id.* at 214-216, reviewing various methods and protocols to prevent pressure ulcers in adults that are or may be inappropriate in the neonatal and pediatric population, *e.g.*, *id* at 214:

In adult populations, the standard of care is to reposition every 2 hours, but repositioning premature neonates at this frequency can result in agitation, apnea, bradycardia, emesis, airway obstruction, hypoxemia, tachycardia, and slower oxygenation recovery time.

Dated this 20th day of February, 2017.

CARNEY BADLEY SPELLMAN, P.S.

By Gregory M. Miller
Gregory M. Miller, WSBA #14459

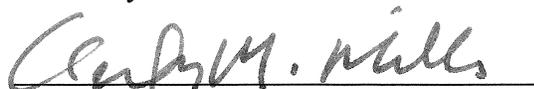
Attorneys for Washington State Medical Association, Washington Academy of Family Physicians, Washington Chapter, American College of Emergency Physicians, and the American Medical Association

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On February ²⁰, 2016, and that I caused to be served a true and correct copy of the foregoing Statement of Additional Authorities on the below-listed attorneys of record by the methods noted below, and also electronically filed a true and accurate copy of the same with the Washington Supreme Court to be received on February 21, 2017:

Favian Valencia, WSBA #43802 Sunlight Law, PLLC 402 E Yakima Ave., Ste. 730 Yakima, WA 98901-2787 P: 509-388-0231 F: 509-388-0260 favian@sunlightlaw.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input checked="" type="checkbox"/> email
Jerome R. Aiken, WSBA #14647 Luke A. Eaton, WSBA #49725 Meyer, Fluegge & Tenney, P.S. (PO Box 22680, Zip 98907) 230 S. 2nd Street, #101 Yakima, WA 98901 P: 509-575-8500 aiken@mftlaw.com eaton@mftlaw.com	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input checked="" type="checkbox"/> email
Daniel E. Wimberley, P.S. 422 W. Riverside, Suite 1300 Spokane, WA 99201 danhuntington@richter-wimberley.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Messenger <input type="checkbox"/> Fax <input checked="" type="checkbox"/> email

DATED this ^{20th} day of February 2017.



 Gregory M. Miller