Iturralde V. Hilo Medical Center

**Issue** (What *facts* and *circumstances* brought these parties to court?)

● Who are the *parties* in this case: plaintiff and defendant?

The parties are Rosalinda Iturralde, representing the estate of Arturo Iturralde who’s is the plaintiff and Hilo Medical Center, Hawaii Health Systems corporation, and the State of Hawaii as the defendant.

● What *facts and circumstances* brought these parties to court?

The facts of the case are that Arturo Iturralde was admitted to the state owned HMC in Hilo, Hawaii for assessment of increased weakness that had caused him several falls. He was diagnosed with a degenerative disease that required surgery and implantation of titanium rods in the spine. The attending surgeon, Dr. Ricketson performed the surgery and directed the hospital to order the titanium rods which was sent in two shipments which were all received but upon the surgery data, the inventory for the items ws not completed but despite this, the doctor started the surgery, removing portions of Arturo’s vertebrae waiting for the rods. The staff informed Dr. Ricetson that they could not locate the rods, two hours into the surgery and a search was done to locate them, to no avail. The doctor cut a shaft of from a surgical steel screw driver to implant in place of the rods and the staff did not inform Arturo of this implant despite the fact that it was not one approved for human implantation. Arturo sustained a few falls post surgery and the screwdriver shattered. Dr. Ricketson scheduled Arturo for another surgery to remove the screwdriver and implant the rods. Nurse Janelle who saw the doctor cut the surgery screw driver and implant it in Arturo approached the supervisors who dismissed her as not the appropriate person to report, tried to tell Arturo but could not because hospital had put a security guard at his door in the hospital so she took a piece of the shattered screw driver, took it to a lawyer who then contacted Rosalinda, Arturo’s sister who conveyed this to him. Arturo’s health deteriorated, he became depressed, the rods became dislodged and he eventually died from complications with his health and his sister sued.

● Is the court deciding a *question of fact*—i.e., are the parties in disputeover what happened?

Or is it a *question of law*—i.e., is the court unsure which rule to apply to these facts?

The courts were assessing whether the doctor and the facility acted negligently so the court was deciding a matter or a question of fact, whether the two defendants acted negligently and the damages to be awarded for their negligence.

There was also a question of law where an amended law was put to question as to which would be applied, the new version of the HRS 664-10.5 or the old amended version.

● Which facts of the case raise issues?

The facts in this case that raise issues are the questionable issues bedeviling Dr. Ricketson and the questionable move by the hospital to allow his to practice despite those many professional issues.

There was his action of using a screwdriver piece in place of the rods for implantation.

There was the decision not to tell Arturo of the use of the screwdriver as opposed to the actual rods.

● What are the *nonissues*?

The non issues include the god faith settlement the plaintiff had with the Hawaii Orthopedic Inc.

● Other