

tardiness.”

{¶3} 3) Plaintiff filed this complaint seeking to recover \$2,500.00, the maximum damage amount recoverable under R.C. 2743.10. Plaintiff alleged he suffered “mental anguish, frustration, agitation, and alarm and humiliation in being treated unfairly, having his treatment disrupted, and being aware of the false entries remain reflected within his medical bills.” Plaintiff also alleged he sustained emotional distress when he did not receive one dose of Coumadin and fears developing future health problems as a result of not receiving treatment for one day.

{¶4} 4) Defendant maintained plaintiff did not arrive promptly to receive any medication on December 28, 2002. When plaintiff did come to the Pill Call Window demanding he be administered his Coumadin, Nurse Jacobs refused to dispense the medication. Defendant related plaintiff did not show up to receive his Coumadin on several other occasions prior to December 28, 2002. Defendant asserted plaintiff did not suffer any adverse physical effect from missing one dose of Coumadin on December 28, 2002. Defendant has contended plaintiff failed to prove any negligent act or omission on the part of MCI or its staff. Defendant has also contended plaintiff has not established any damages.

{¶5} 5) Defendant submitted a written statement from Dr. Lenzy G. Southall, the medical director at the North Central Correctional Institution. Dr. Southall reviewed the December 28, 2002 incident and evaluated plaintiff’s medical condition. Dr. Southall expressed in his opinion plaintiff was not physically harmed by missing a dose of Coumadin.

{¶6} 6) On October 27, 2003, plaintiff filed a response to defendant’s investigation report. Plaintiff asserted he was indeed harmed by not receiving Coumadin on December 28, 2002. Plaintiff did not submit any evidence other than his own opinion to support this assertion. Plaintiff reasserted his contention Nurse Jacobs was negligent in failing to dispense his dose of Coumadin after he arrived late at the Pill Call Window.

CONCLUSIONS OF LAW

{¶7} 1) In order to prevail, plaintiff must prove by a preponderance of the

evidence that defendant owed him a duty, that defendant breached that duty, and that defendant's breach proximately caused his injuries. *Strother v. Hutchinson* (1981), 67 Ohio St. 2d 282. Ohio law imposes a duty of reasonable care upon the state to provide for its prisoners' health, care, and well-being. *Clemets v. Heston* (1985), 20 Ohio App. 3d 132, 136. Reasonable or ordinary care is that degree of caution and foresight which an ordinarily prudent person would employ in similar circumstances. *Smith v. United Properties, Inc.* (1965), 2 Ohio St. 2d 310. The state is not an insurer of inmate safety. See *Williams v. Ohio Dept. of Rehab. & Corr.* (1991), 61 Ohio Misc. 2d 699.

{¶8} 2) Plaintiff has failed to show defendant breached any duty of care owed to him by not dispensing one dose of Coumadin after plaintiff arrived at the Pill Call Window in an untimely manner. In fact, plaintiff has failed to offer sufficient evidence to establish any physical debilitation resulted from not receiving the medication.

{¶9} 3) Additionally, plaintiff has not submitted any evidence to prove he suffered any injury or at any time was subjected to substandard medical treatment. Plaintiff has not proven his condition was exacerbated by the doing of some particular thing or things that a physician or medical professional of ordinary skill, care, and diligence would not have done under like or similar conditions or circumstances, or by the failure or omission to do some particular thing or things that such a physician or medical professional would have done under like or similar conditions and circumstances, and that the injury complained of was the direct and proximate result of such doing or failing to do some one or more of such particular acts. *Bruni v. Tatsumi* (1976), 46 Ohio St. 2d 127. Furthermore, plaintiff's claims concerning the exacerbation of his condition and physical health are grounded as medical claims. The proof offered in medical claims must be established through expert testimony. *Bruni*, id. Plaintiff has failed to offer sufficient proof to show his condition was caused by any negligent act or omission on the part of defendant's personnel.

{¶10} Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon

all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Phillip Tate, #183-479
15708 S.R. 78 West
Caldwell, Ohio 43724

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendant

DRB/RDK/laa
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