

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

RONALD E. STEPPE, individually and :
as the Executor of the Estate of :
VICTORIA G. STEPPE, :
Plaintiff(s) : No. 05-01261
:
vs. : CIVIL ACTION – LAW
:
RODWAN RAJJOUR, M.D.; :
LYCOMING NEUROSURGICAL :
ASSOCIATES, INC.; FAROUK M. :
GEORGY, M.D.; THERESA M. :
SANDER, MSN, CRNP; CARING FOR : Defendant
FAMILIES, INC., :
Defendants :

ORDER

AND NOW, this ___ day of August 2007, the court DENIES Defendant Sander motion for summary judgment. Defendant Sander sought summary judgment on two grounds. First, she argued she was entitled to summary judgment with respect to any allegations based on her alleged lack of prescriptive authority because Victoria Steppe (hereinafter Decedent) did not die from a problem with medications or prescriptions. The court cannot agree. One of Plaintiff's theories of the case is that Decedent should have been seen by a competent medical doctor and, if she had, an MRI of the brain would have been performed as recommended in the January 2002 MRI report and her brain tumor would have been appropriately diagnosed and treated. If Defendant Sander had been compliant with the statute and CRNP regulations regarding prescriptive authority, Decedent would have been seen by a doctor, because the statute and regulations require that the collaborative agreement set forth the circumstances and how often the collaborating physician will **personally** see the patient, based on the type of practice, sites of service and condition of the patient, whether

the treatment is for an ongoing or new condition, and whether the patient is new or continuing. 63 P.S. §218.3; 49 Pa.Code §21.285(b)(emphasis added).¹

Defendant Sander also argued she was entitled to summary judgment because Dr. Rajjoub's conduct was a superseding cause. At oral argument, defense counsel acknowledged that this motion was based on Plaintiff's claim for punitive damages alleging Dr. Rajjoub acted in reckless disregard. The court, however, granted Dr. Rajjoub's motion for partial summary judgment and found that Plaintiff's evidence did not rise to the level of reckless disregard. Therefore, this issue may be moot. Even if this issue is not moot, the court would deny the motion. The court does not believe Dr. Rajjoub's conduct would be so unforeseeable to be a superseding cause as a matter of law; at best, this might be a factual issue for the jury.

By The Court,

Kenneth D. Brown,
President Judge

cc: Clifford Rieders, Esq./Scott Waters, Esq.
C. Edward S. Mitchell, Esq.
Mark Perry, Esq.
The Perry Law Firm, 305 Linden Street, Scranton PA 18503
Chris Carling, Esq.
Weber, Gallagher, Simpson, Stapleton Fires & Newby
201 Penn Avenue, Suite 400, Scranton, PA 18503
Work file
Gary Weber, Esquire (Lycoming Reporter)

¹ Decedent became a patient of Defendant Sander on or about October 4, 2001. Decedent complained of headaches and pain in her cervical area. In November 2001, Defendant Sander prescribed Celexa, Zomig, Celebrex and Tylenol ES for Decedent to alleviate these problems. Sander Deposition, pp. 224-227. These were new medications for Decedent. Defendant Sander knew at that time she did not have prescriptive authority on her own but only through Dr. Georgy. Sander Deposition, p. 230. Despite Decedent being a new patient and never having been on these medications in the past, Defendant Sander did not make arrangements for Decedent to be seen by Dr. Georgy nor did she even consult with Dr. Georgy; instead, she simply signed Dr. Georgy's name on the prescription.