

Family to sue Aria over waiting-room death

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By DAVID GAMBACORTA

In a move that will likely surprise no one, the family of the late Latino musician Joaquin Rivera is preparing to sue Aria Health System.

"We are now on the cusp of filing a civil lawsuit," Tom Kline, the family's attorney, said last night.

Rivera's family was emboldened by a report that was released Thursday by the state Department of Health detailing numerous staff policy violations that occurred on Nov. 28, the night Rivera had a fatal heart attack in the waiting room of Aria Health's Frankford campus.

Rivera, 63, sat dead for more than 40 minutes and was robbed by three vagrants before hospital personnel noticed.

The list of hospital errors that took place before, during and after his death was extensive, state investigators found.

While Rivera's friends and relatives had already assumed as much, having their suspicions confirmed in the stark report reopened old wounds.

"Reading about it this morning, it was emotional," Rivera's longtime friend Joe Garcia, president of the Pennsylvania chapter of the National Congress for Puerto Rican Rights, said yesterday.

"Joaquin's friends all over the country were in communication about it. We're in pain. We're still mourning."

Rivera, a father of three who worked for years as a guidance counselor at Olney High School, complained of pain on his left side when he entered the hospital, on Frankford Avenue near Harrison Street, at 10:45 p.m.

Surveillance footage showed that he stopped moving 11 minutes later. According to the state report, a triage nurse called his name at 11:03 p.m. and noticed that he was staring at a wall and not moving.

However, neither the nurse nor other hospital personnel checked to see if Rivera was in need of help, the report shows.

The triage nurse didn't set foot inside the waiting room between 10:45 p.m. and 11:47 p.m., the report shows, and staffers responded to Rivera only when another patient said that he had died.

Aria suspended a triage nurse and registrar who offered conflicting accounts of the night.

State investigators learned in subsequent interviews with the hospital staff that many were unaware of protocol that requires them to check on patients in the waiting area.

The state blamed Aria administrators for not properly informing the nursing staff of the hospital's policies.

City Councilwoman Maria Quinones-Sanchez, a close friend of Rivera's, said the state's findings left her disappointed with Aria administrators, whom she said had previously been "somewhat forthcoming" about what transpired.

"They were putting a lot of responsibility on the frontline staff without making sure they have proper training," she said.

Sanchez noted that City Council will hold a hearing on the case on Feb. 2. The focus will include a "broader discussion" about practices and policies in other city emergency departments, she said.

In an e-mailed statement, Aria Health officials noted that the hospital has increased security at Frankford by more than 30 percent.

The hospital has examined its emergency triage service and emphasized better communication between its registrars and triage nurses, the statement said.



"There's no good spin that Aria can put on the events that happened the night Joaquin Rivera died," Kline said.
"We intend to hold Aria accountable."