

Affidavit #2 of Dr. R. Dale Nicoll
Sworn October 29, 2008

Action No: 07 3415
Victoria Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE PATIENTS PROPERTY ACT
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT

I, Dr. R. Dale Nicoll, of #200 – 3994 Shelbourne Street, Victoria, British Columbia, MAKE OATH AND SAY THAT:

1. I am a duly qualified physician licensed to practice in the Province of British Columbia.
2. I specialize in the area of general practice.
3. I have been Kathleen Palamarek's physician since she was transferred from the Saanich Peninsula Hospital to the Lodge at Broadmead (the "Lodge") in August 2007.
4. I am informed by Ralph Palamarek that his sister, Lois Sampson, removed Mrs. Palamarek from the Lodge on October 27, 2008.
5. I am advised by Fiona Sudbury, Director of Care at the Lodge, that an offer to meet with staff to review Mrs. Palamarek's ongoing care and medication was declined.
6. The medication currently prescribed and taken by Mrs. Palamarek is listed in the attached Resident Medication Profile, marked as Exhibit A to this Affidavit. The handwritten notes on Exhibit A are mine, and confirm the condition for which the various medications are prescribed.


7. Mrs. Palamarek suffers from high blood pressure and congestive heart failure. It is my opinion that a failure to maintain the Nitroglycerin patch and spray treatment for Mrs. Palamarek may cause and will hasten Mrs. Palamarek's death.
8. Mrs. Palamarek also suffers anxiety. Different medications have been prescribed to her in the past or this condition, with little effect. The Citalopram and Olanzapine noted on Exhibit A taken by Mrs. Palamarek for the last month have, however, been effective. Without it, Mrs. Palamarek is delusional and anxious.
9. Mrs. Palamarek is also in chronic pain secondary to osteoarthritis, for which she is prescribed a narcotic analgesia in the form of the Fentanyl Patch noted on Exhibit A. Seventy two hours from the time of application, Mrs. Palamarek's pain will possibly be unmanageable, and she may experience withdrawal systems.
10. It is my opinion that Mrs. Palamarek continues to be incapable of managing both her person and her affairs.
11. I have not been contacted by John Jordan or by any new physician for Mrs. Palamarek with respect to her chart, diagnosis or treatment.

SWORN BEFORE ME at the City of Victoria,)
in the Province of British Columbia, this)
29 day of October 2008)



A Commissioner for taking Affidavits within)
the Province of British Columbia)

FIONA HUNTER
Barrister & Solicitor
3rd Floor - 612 View St.
Victoria, BC V8W 1J5



DR. R. DALE NICOLL

RESIDUAL MEDICATIONS

From: St Anthony's Clinic Pharmacy, 582 Goldstream Avenue, Victoria BC, V9B 2W7, (250)478-8338, Fax: (250)478-7866

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Resident: **Palamarek, Kathleen**

Facility: The Lodge At Broadmead, 4579 Chatterton Way, Victoria BC V8X4Y7, 658-0311

Rx#	Drug Directions	Doctor	Orig/Last	C/D/H
1997602	✓ NITROGLYCERIN SPRAY 0.4mg ONE SPRAY ONTO OR UNDER TONGUE AS NEEDED - MAY REPEAT TWICE	Dr. Nicoll, Robert	13-Aug-2007 / 21-Jul-2008	<input type="checkbox"/>

Heart Disease

PRN Medications (Except Treatments)

2391121	N.D. OLANZAPINE (NOVO) 2.5mg 2.5 MG (1 TABLET) EVERY 12 HOURS AS NEEDED	Dr. Leishman, D.	11-Sep-2008 / 11-Sep-2008	<input type="checkbox"/>
1996539	✓ PHOSPHATES ENEMA (CH) 1 ENEMA ON THE 4TH DAY OF NO BOWEL MOVEMENT	Dr. Nicoll, Robert	11-Aug-2007 / 11-Aug-2007	<input type="checkbox"/>
1996537	✓ SENNOSIDES (PMS) 12mg 1 TABLET ON ON THE 2ND DAY OF NO B.M.	Dr. Nicoll, Robert	11-Aug-2007 / 11-Aug-2007	<input type="checkbox"/>

*ANXIETY
AGITATION*

*V'd Sept 11/08
[Signature]*

THIS IS EXHIBIT "A" REFERRED TO
IN THE AFFIDAVIT OF
R Dale Nicoll
SWORN BEFORE ME AT VICTORIA, BC
THE *29* DAY OF *October* 20*08*
A COMMISSIONER FOR TAKING AFFIDAVITS
FOR BRITISH COLUMBIA

Recommendations / Comments:

C = Continue, D = Discontinue, H = Hold

Physician: Dr. R Nicoll, 200 - 3994 Shelbourne St., Victoria BC V8N3E2

Physician's Signature: _____
[Signature]

Phone: 477-7100
Fax: 477-4133
Date: _____

Resident Medication Profile

From: St Anthony's Clinic Pharmacy, 582 Goldstream Avenue, Victoria BC, V9B 2W7, (250)478-8338, Fax: (250)478-7856

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This profile is issued by pharmacy when a patient is admitted to the facility, when any change is made to the patient's drug regimen, or when a physician completes a drug review. The profile is also used to provide the pharmacy with a physician authorization to refill medication orders. Nursing staff will file this profile in the resident's chart and fax a copy of the profile to the pharmacy when a review is completed by a physician.

Resident:

Palamarek, Kathleen

ADN Fiona Turner

Facility: The Lodge At Broadmead, 4579 Chatterton Way, Victoria BC V8X4Y7, 656-0311
 Sex: F Birthdate: 15-Jul-1922 Wrd/rm/bed: Lodge A1 / A142 / A1
 Age: 86 Admit Date: 13-Aug-2007 Last Review: 01-May-2008
 Allergies: Penicillins
 Diagnosis: Angina; Cerebrovascular Accident; Dementia; Diabetes Mellitus; Heart Failure; Hypertension; Osteoarthritis
 Comments: MI & Angioplasty 1992; Cataract surgery 2005; CVAs 1987, 1994, and 1998; MMSE 27/30 (2005); Memory loss; Bruises easily; Physicians' Prep. Orders approved Feb 29/08 with exceptions (No alcohol);

Rx#	Drug Directions	Doctor	Orig/Last	C/D/H
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Regularly Scheduled Tablets Or Capsules

2266891	✓ ACETAMINOPHEN (APO) 500mg TAKE 2 TABLETS FOUR TIMES A DAY (08-12-16-20) ... FOR TYLENOL	Dr. Nicoll, Robert	08-May-2008 / 11-Sep-2008	<input type="checkbox"/>
2266892	✓ CALCIUM (APO) 250mg TAKE 2 TABLETS (500 MG) TWICE A DAY (08-17)	Dr. Nicoll, Robert	08-May-2008 / 11-Sep-2008	<input type="checkbox"/>
2266894	✓ CITALOPRAM (APO) 20 MG TAKE 1 TABLET AT 0800 ... FOR CELEXA	Dr. Nicoll, Robert	08-May-2008 / 11-Sep-2008	<input type="checkbox"/>
2391120	N.O. OLANZAPINE (ZYDIS) 5mg DISSOLVE 1 TABLET (5 MG) IN MOUTH ONCE DAILY (0800) **HANDLE WITH DRY HANDS; OPEN ONLY WHEN READY TO GIVE**	Dr. Leshman, D.	11-Sep-2008 / 11-Sep-2008	<input type="checkbox"/>
2280817	✓ PANTOPRAZOLE (APO) 40 mg TAKE 1 TABLET AT 0800	Dr. Nicoll, Robert	22-May-2008 / 11-Sep-2008	<input type="checkbox"/>
2266893	✓ VITAMIN D (REXALL) 400 IU TAKE 2 TABLETS ONCE DAILY (0800)	Dr. Nicoll, Robert	08-May-2008 / 11-Sep-2008	<input type="checkbox"/>

Reg. Scheduled Meds (Except Tabs Or Caps)

9893217	✓ FENTANYL PATCH (RAN) 25mcg/hr APPLY 1/2 PATCH (12.5 MCG/HR) EVERY 72 HRS. COVER 1/2 PATCH WITH TEGADERM. REMOVE OLD PATCH. ROTATE SITES... FOR CLOSEST AVAILABLE EQUIVALENT TO 12 MCG	Dr. Nicoll, Robert	08-Sep-2008 / 08-Sep-2008	<input type="checkbox"/>
1997575	✓ METAMUCIL SMOOTH ORANGE TAKE 5 ML TWICE A DAY (08-16)	Dr. Nicoll, Robert	13-Aug-2007 / 14-Jun-2008	<input type="checkbox"/>
2179652	✓ MILK OF MAGNESIA (REX) 77.5 mg/ml TAKE 15-30 ML EVERY NIGHT AT BEDTIME	Dr. Nicoll, Robert	12-Feb-2008 / 08-Jul-2008	<input type="checkbox"/>
1997581	✓ NITRO-DUR PATCH 0.4mg APPLY ONE PATCH TO CLEAN, DRY AREA AT 0800; REMOVE AT 2000. ROTATE SITES.	Dr. Nicoll, Robert	13-Aug-2007 / 05-Sep-2008	<input type="checkbox"/>
2219098	✓ TEGADERM DRESSING 6X7 CM FOR USE WITH FENTANYL PATCH EVERY 72 HR	Dr. Nicoll, Robert	22-Mar-2008 / 26-Aug-2008	<input type="checkbox"/>

Insulin Orders

2214368	✓ BLOOD GLUCOSE TEST TEST BLOOD GLUCOSE ON THE 15TH OF EACH MONTH	Dr. Nicoll, Robert	17-Mar-2008 / 17-Mar-2008	<input type="checkbox"/>
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PRN Medications (Except Treatments)

1997587	✓ DIMENHYDRINATE (APO) 50mg TAKE 1/2 TO 1 TABLET (25-50 MG) EVERY 6 HOURS AS NEEDED	Dr. Nicoll, Robert	13-Aug-2007 / 13-Aug-2007	<input checked="" type="checkbox"/>
538	✓ GLYCERIN SUPP (ADULT) 2.6gm 1 SUPPOSITORY ON THE 3RD DAY OF NO BOWEL MOVEMENT	Dr. Nicoll, Robert	11-Aug-2007 / 11-Aug-2007	<input type="checkbox"/>
1997586	✓ IPRATROPIUM/SALBUT NEB 0.5MG/2.5MG INHALE CONTENTS OF ONE NEBULE VIA NEBULIZER FOUR TIMES A DAY AS NEEDED ... FOR COMBIVENT	Dr. Nicoll, Robert	13-Aug-2007 / 13-Aug-2007	<input type="checkbox"/>