

20-6378

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

OCT 19 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

BRENDA L. White — PETITIONER  
(Your Name)

Wishard Hospital <sup>vs.</sup> — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Seventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRENDA L. White  
(Your Name)

441 N. Ridgeway <sup>view</sup> Drive  
(Address)

Indpls., IND. 46226  
(City, State, Zip Code)

317-875-1957  
(Phone Number)

## **QUESTION(S) PRESENTED**

1. Is it lawful for a medical professional to injure a patient and just walk away?
2. Should a medical professional be held accountable for unreasonable treatment?
3. What should the remedy be when a patient is abused and injured?
4. Is there a standard of care instituted for medical professionals?
5. How can a physical therapy treatment that caused damage be recompensed?
6. Should physical therapy, and therapist, and equipment violate trust by not returning to patient in time, or equipment not automatically releasing patient, or the buzzer not sounding because time is over?
7. Should physical therapy or equipment or staff defy the safety of the patient by not following the instructions for the traction machine or the buzzer and timer?
8. Should the therapist/hospital be held accountable for violating, torturing and abusing a patient and the trust of that patient by injuring the patient by leaving me on the traction machine resulting permanent damage to my back/spine, and, without instructions in case buzzer doesn't work or no one comes in time?
9. Is it lawful for therapist/hospital to violate a patient's trust while being hoisted up and pulled by a machine?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

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## **TABLE OF AUTHORITIES CITED**

### **CASES**

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### **STATUTES AND RULES**

IC 25-27-1-5

Determination of qualifications; administration of examinations; standards for competent practice

IC 25-27-1-12

Violation of chapter; injunction

Sec. 12. A person who violates this chapter commits a Class B misdemeanor. In addition the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical therapist's assistant, in violation of IC 25-27-1-2.

(Formerly: Acts 1957, c.198, s.12; Acts 1971, P.L.379, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2546.

### **OTHER**

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at U.S. Court of Appeals for the Seventh Circuit; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 8-12-20.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

842 IAC 1-5-2 Protection of patients' interests

Authority: IC 25-27-1-5

Affected: IC 25-1-9

Sec. 2. Whenever a person's license or certificate has been suspended under IC 25-1-9 and said person has not fully complied

with section 3 of this rule and this section or if said licensee or certificate holder has disappeared, died, or is otherwise unable to

comply with section 3 of this rule and this section, the physical therapy committee shall request the health professions bureau or the

Indiana Chapter of the American Physical Therapy Association to take such action as may be appropriate to protect the interests of

that person's patients. (Indiana Board of Physical Therapy; 842 IAC 1-5-2; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed

Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206; readopted filed Nov 17, 2010, 9:48 a.m.: 20101215-

IR-844100405RFA; readopted filed Nov 22, 2016, 12:11 p.m.: 20161221-IR-844160317RFA)NOTE:

Transferred from the Medical

Licensing Board of Indiana (844 IAC 6-6-4) to the Indiana Board of Physical Therapy (842 IAC 1-5-2) by P.L.160-2019, SECTION

31, effective July 1, 2019. Indiana Administrative Code



## **STATEMENT OF THE CASE**

As a patient, I trusted that all would go well because it had in the past, however, on this day, as I was attached to a lumbar spine traction machine, the timer went off, as usual, but, the therapist did not enter the room. As time passed, I felt pain in my lower back and pulling and popping as I was being pulled and not in a relaxed position, but, off of the table for the treatment. Each day, I was given a buzzer to press if I needed help. I pressed the buzzer, and no one showed. I noticed quickly that even a breath caused more ripping and popping and pulling. I was as still as possible. About fifteen minutes later, the therapist entered, apologizing profusely that he was assisting with another patient, asking me if I was okay. I told him that I was in pain. When I returned home, I contacted his supervisor to report this incident. I told her that I was in pain that I had never experienced before. I told her that I pressed the buzzer and no one showed. She told me that after the timer goes off, the buzzer doesn't work anymore. I believe this treatment was cruel and unusual, costing me my ability to work and do things that I normally do and trying to go through the courts to get attention to this matter. I was in treatment for an injury and received additional injuries.

## **REASONS FOR GRANTING THE PETITION**

The reason for granting the petition is because this is an area of law that may not cover such an incident.

I was a patient, and there were malfunctions in communication about the buzzer and the timer correlating to each other. I didn't know about that until after the incident. I didn't know that the therapist would not be available to detach me from the traction machine after the five minutes of treatment. The unnecessary injury has caused me not to be able to return to work. I have to take frequent breaks to relieve my back. I was denied surgery on my back, and, I have been very angry because of all of it. I have had more physical therapy and injections to my back, and all that I can do to ease the pain. This type of action/behavior should not be allowed. I am left to suffer minute by minute.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brenda White

Date: 11-11-20