

STATE OF TEXAS  
EL PASO COUNTY

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COMPLAINT BY DAVID SAUCEDO  
AGAINST ROBERTO CANALES, MD

Before me, the undersigned Notary Public, on this day personally appeared David Edward Saucedo II, the affiant, a person whose identity is known to me. After I administered an oath, affiant testified:

1. "My name is David Edward Saucedo II. I am over 18 years of age, of sound mind, and capable of making this affidavit. I swear that I have reason to believe and do believe that the violations alleged in this complaint has occurred. The source of my information is my first-hand account of how Dr. Roberto Canales was directly responsible for the wrongful death of my three-year-old daughter, Ivanna Maria Saucedo.

2. Ivanna died at El Paso Children's Hospital on September 2, 2019 while purportedly under the care of Dr. Roberto Canales and El Paso Children's Hospital. The care, or lack thereof, provided by Dr. Canales was grossly below the appropriate standard of care.

3. At her home, around 3:33 p.m. on August 29, 2019, Ivanna, age 3, began to vomit and show other signs of illness related to her hydrocephaly. Because children with hydrocephalus who exhibit signs of vomiting require an immediate medical evaluation, we immediately called Dr. Canales' medical office. Dr. Canales' office asked us to bring Ivanna to the office and scheduled an appointment for her at 5:20pm.

4. While at Dr. Canales' office, and after waiting more than one hour to be seen by Dr. Canales, Ivanna vomited at least three more times. Ivanna was finally seen by Dr. Canales around 6:54pm. However, it wasn't until approximately 8:34pm that Dr. Canales instructed us to personally take Ivanna to the El Paso Children's Hospital Emergency Room. **Dr. Canales assured us that he would meet us at the hospital in short order.**

5. Ivanna arrived and was checked-in at the emergency room at El Paso Children's Hospital before 9:00pm. An hour later, around 10:00 pm, a nurse, who was not a member of the emergency room staff, approached us and asked us to bring Ivanna and follow her to another part of the hospital, not in the emergency room. Not sure exactly what was going on, we acquiesced and followed the nurse. The nurse took us to a room on the 9th floor of the hospital but did not offer an explanation as to why we were being taken away from the emergency room. By this time, Ivanna was exhibiting extreme lethargy and continued to vomit.

6. After yet another hour of waiting to be seen by Dr. Canales, a nurse came in to start an IV. This same nurse assured us that Dr. Canales would be arriving shortly to care for Ivanna. As it turned out, Dr. Canales never arrived that night and never called us to inform us as to his plan to have Ivanna treated. In addition, not a single doctor came in to evaluate Ivanna's condition. Although a CT scan was done late that

night, it was never read until the next morning. Ivanna continued to vomit throughout the night with me, and my wife, at her bedside. Despite our insistence that Ivanna receive an evaluation by a doctor, we, again, were assured on multiple occasions that Dr. Canales was on his way and that he would attend to Ivanna.

7. At 5:11am, I plead with the nurse and asked for an explanation as to why Ivanna had not received an evaluation by a physician. Ivanna's condition continued to worsen. The nurse stated that if something was truly wrong, a doctor would certainly have shown up by now. No other update or explanation was given. Ivanna was in obvious distress. No physician had seen her. Dr. Canales never treated her as he had originally assured us. (Later, we learned that Dr. Canales has standing orders at El Paso Children's that no doctors are to treat his patients.)

8. At around 8:15am, almost twelve hours since we arrived at the emergency room, Ivanna had still not been seen by a doctor nor received emergency treatment. By this time, Ivanna had become alarmingly limp and drool was coming from her mouth. She was also becoming unresponsive. Once it became clear that Ivanna was losing consciousness and not knowing what else to do, I pressed the emergency call button. No one came. Not long thereafter, Ivanna went into cardiopulmonary arrest and coded.

9. Once she coded, and upon my demand, doctors and nurses rushed frantically into the room, sedated Ivanna, and intubated her. The rapid response code was the first time Ivanna had been seen by any doctor at El Paso Children's Hospital since her arrival. Ivanna remained on the ventilator for three days, but was later declared "brain dead." She was pronounced dead on September 02, 2019.

10. Subsequent CT scans revealed that Ivanna Saucedo suffered a shunt malfunction and died due to too much fluid in her brain. Shunt malfunctions are correctable, if addressed in a timely fashion. Tragically, the shunt malfunction was left completely unaddressed and her guaranteed right to emergency care was intentionally blocked, ultimately causing Ivanna to suffer and pass away.

#### Dr. Roberto Canales - A Legendary Reputation

11. While Ivanna's early development was normal, out of an abundance of caution, we sought the primary care of a pediatrician that specialized in children with complex medical issues.

12. It wasn't long before we heard of Dr. Canales, a seemingly renowned pediatrician who markets himself as a specialist in pediatric oncology, hematology and critical care. Dr. Canales is well known and has a reputation for performing "miracles." Dr. Canales' self-promotion as a preeminent specialist in children's care propelled him to become the busiest general pediatrician in El Paso by patient volume. Dr. Canales owns at least two clinics where it is estimated that he sees at least two hundred patients on a daily basis, and simultaneously treats critical care patients at Tenet Providence Hospital and El Paso Children's Hospital.

13. We chose Dr. Canales to care for Ivanna based on his marketing and promotional materials, placing our full trust in him as a result of his self-acclaimed expertise and his apparent success as a medical doctor.

## Dr. Canales and The El Paso Children's Hospital

14. As the largest general pediatrician in El Paso, Dr. Canales has always represented an invaluable source of patient volume and financial gain to the El Paso Children's Hospital. But under the Children's pre-bankruptcy management, Children's did not receive Dr. Canales' patient volume since Dr. Canales was not allowed to treat patients at the hospital (because he is not a specialist). While this policy might have been bad for business, it was consistent with Children's mission of providing high quality specialist care.

15. Children's became focused on the bottom-line at the expense of patient care, and recruiting Dr. Canales became a business imperative to Children's post-bankruptcy management team who, despite calls from concerned physicians and board members regarding the danger of allowing Dr. Canales to treat its critical care patients, promised to grant privileges to Dr. Canales in exchange for his patient volume.

16. Children's also extended significant concessions to Dr. Canales. Among the conditions Dr. Canales placed on Children's in exchange for his patient volume **was that no physician was to treat any of his patients without his approval.** Children's complied with Dr. Canales' demands despite warnings from physicians and board members regarding the implications such demands would have on patient's safety.

17. Children's systematically reprimands any physician that intervenes or treats any of Dr. Canales' patients. As a result, Dr. Canales' patients are unwittingly forced to wait for Dr. Canales to arrive at Children's before being seen by physician. The arrangement explains why Ivanna was not seen by a single physician upon her arrival at Children's. It explains why Ivanna was intercepted at the emergency room and taken to another room to wait for Dr. Canales. It explains why Ivanna was not seen by a single physician until it was too late.

18. Further, Children's operated without a Chief Medical Officer ("CMO") as mandated by the Texas Medical Board and codified in the Texas Health and Safety Code until February 24, 2020. A CMO reports directly to the governing body, is responsible for all medical staff and activities, and serves as the dedicated contact between the hospital and the Texas Medical Board. Clearly, one can deduce that the absence of a CMO is by design since an ethical and competent CMO would never have allowed the hospital to entertain such dangerous arrangements.

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19. Ivanna was a victim of not only gross negligence in treating her condition, but also the dangerous arrangement between Dr. Canales and Children's, which puts Dr. Canales' financial interest ahead of basic patient safety and care. Ivanna was admitted to the hospital early in the evening, and then was actively and systematically prevented from being seen by a physician for over 12 hours. Ivanna should have received basic treatment that would have saved her life.

20. Our family has been hurt and we now know that we are not alone. Whereas, we have been made aware of other victims and families. It is our hope that

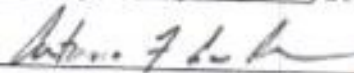
the Texas Medical Board will take immediate action and temporarily suspend the license of Dr. Roberto Canales while he is investigated and ultimately return a decision of lifetime revocation on his medical license as he created, and perpetuates, an environment of extreme danger and death for children in El Paso.

Further Affiant sayeth not.



David Edward Saucedo II

Subscribed and sworn to before me on this 3 day of April, 2020.



Notary Public

My Commission Expires: 03 08 2024

