

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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DONNA RADASZEWSKI,

Plaintiff,

v.

ANN PATLA, Director,
Illinois Department of Public Aid,

Defendant.

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No.

MICHAEL W. DOBBS
CLERK, U.S. DISTRICT COURT

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AFFIDAVIT

Janina Badowska, M.D., having been duly sworn states as follows:

1. My name is Janina Badowska, M.D.
2. I am a physician, board certified in pediatrics.
3. My medical practice is located at 10 W. Martin in Naperville, Illinois, 60540.
4. I presently have in my care as a patient, Eric Radaszewski.
5. Except for a brief period, in approximately 1991, I have treated Eric since he was four and one-half years old.
6. Eric is twenty-one years old.
7. In 1992 Eric contracted melanocytic medulloblastoma which is a cancer in the brain. His medical treatment for this disease consisted of surgery, radiation and chemotherapy.
8. In November of 1993, Eric suffered a mid brain stroke. The mid-brain regulates those body functions that a person performs unconsciously such as swallowing and urinating.
9. These two medical events and the necessary medical treatment Eric has received have caused the following medical problems for Eric:
 - A. His immunity to disease has been substantially reduced. He is at a substantial risk for infection which can occur very quickly. Immediate detection and treatment, often in a hospital, are necessary to prevent the rapid progression of the particular disease he may have contracted.

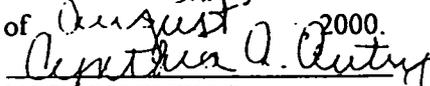
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- B. He has fracturing osteoporosis which has thinned the mass of his bones. He is thus prone to his bones breaking.
 - C. He has contractures to his hands and feet. This condition leaves his hands and feet unnaturally rigid so that he is subject to falling or other body movements that can result in bone fractures.
 - D. Because of the fracturing osteoporosis and his contractures he is confined to bed or a wheelchair and is not supposed to walk.
 - E. He has hydrocephalus which means that he has cerebral fluid within his skull cavity. This condition has resulted in Eric's mental deterioration and has caused seizures.
 - F. He has double vision, 100 percent loss of hearing in his right ear and 80 percent loss of hearing in left ear.
 - G. He is apraxic and unable to move his arms and legs knowingly; aphasic meaning he has lost the majority of his ability to speak and suffers from a condition known as Syndrome of Inappropriate Anti-Diuretic Hormone (SIADH) which affects his ability to urinate properly. This medical condition results in nausea, vomiting and can cause seizures. Because of Eric's loss of motor skills, vomiting can be a life threatening event to him.
10. These medical conditions require that the following medical procedures be available at all times and administered when needed:
- A. Eric requires a person with sufficient medical knowledge and training to identify the onset of infections. That person, at a minimum, should be a registered nurse.
 - B. Eric is primarily fed intravenously eight hours each night. He cannot feed himself. To reduce elimination problems, he is also fed solid foods. His tolerance for these solid foods is low and can lead to intractable vomiting. When this occurs he must be fed first stage baby foods through an NG tube which is inserted through his nose to his stomach. His NG tube is also used to administer his medications.
 - C. In addition to the NG tube he has a catheter to urinate, a ventricular pleural shunt that drains the fluid in his skull into the pleural space of his lungs, and a Grohshung catheter by which he receives food and hydration. All of these tubes are prone to infection and must be constantly monitored. He requires a registered nurse level of medical assistance to provide the sterile care of these tubes, to place his NG tube, to provide suctioning, and to prepare drugs that must be measured and administered sometimes rapidly.
 - D. Because Eric has deficiencies in long and short term memory, he does not remember his disabilities and limitations and is prone to undertaking activities which threaten his well being and even his life such as attempting to walk or pulling on his tubes. Accordingly, he must be constantly monitored to ensure that he does not injure himself.
 - E. He requires constant monitoring by a person with a registered nurse level of training for

seizures, shunt malfunction and desaturation

- F. He requires care at a registered nurse level to administer intravenous drugs, hydration, triphosphopyridine nucleotide (TPN) (intravenous feedings), injections and oxygen.
 - G. Because he suffers from SIADH, the quantity and quality of his urine and its composition must be monitored by a trained person.
 - H. The quality of his skin must be monitored.
 - I. Because Eric does not have the mental capacity to protect his airway, he at times requires emergency suctioning to prevent aspiration.
11. The above medical conditions render Eric totally dependant for all activities of daily living (ADL).
12. Eric's chronic health problems will continue to multiply due to the damage he received from his cancer treatments. Only in his home, with proper medical care and support, can he medically survive and achieve some quality of life in the caring and loving environment that his parents provide.
13. For Eric, the alternative to home care is hospital care. A skilled nursing facility cannot provide the one-on-one around the clock medical care that Eric requires.
14. His survival to this point is attributable to the high level of registered nursing care he has received. Without this level of care, it would have been necessary to admit him to a hospital many times a year.
15. He requires a high level of registered nursing care to properly perform the medical tasks outlined above. This care needs to be one-on-one and I recommend that he receive such care 24 hours each day. Any amount of daily care less than this level endangers Eric's fragile medical condition. His survival depends upon his receiving this level of care.


Janina Badowska, M.D. (6011)

SUBSCRIBED AND SWORN to
before me this 31st day
of August 2000.

NOTARY PUBLIC

