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**Experienced in Representing Persons
Abused, Neglected & Mistreated in Nursing Homes**

NURSING HOME LITIGATION NEWSLETTER
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**MEDICATION ERRORS –
A SERIOUS PROBLEM**

About 300,000 people are injured and between 100,000 and 200,000 are killed each year because of medication errors according to recent studies. FDA officials estimate that the nation spends billions of dollars annually on medication errors that are avoidable.

Each month, nearly 1 out of every 10 nursing home residents suffers a medication-related injury, according to a study by Massachusetts researchers that suggests the problem is far more widespread than previously estimated. The study found that 73 percent of the most severe injuries -- including internal bleeding and death -- were preventable.

While the medical profession has focused on reducing medical errors in hospitals, nursing homes are at least 10 years behind in making the necessary changes to address the problem. Most nursing homes do not use the computerized medication dispensing and monitoring systems that hospitals have purchased in the past few years. In addition, understaffing and inadequately trained staff at nursing homes contribute to medication errors.

Cause of Medication Errors

Recent studies reveal:

- 37% of medication errors occurred at the time of medication administration;
- 26% of the errors occurred in documenting the medication administered;
- 21% of the errors occurred at the time of dispensing the medication;

COMMON NURSING HOME INJURIES

Falls and Fractures - Falls result in fractures, head injuries, and may cause death.

Decubitus Ulcers - Pressure sores are preventable and should not occur.

Severe Dehydration and Malnutrition - Many elderly require assistance with eating or drinking.

Medication Errors - Medication errors result in injuries and death.

Restraint Injuries - Elderly can strangulate on restraints.

Wandering & Elopement – Unsupervised residents can wander away and suffer injuries or death.

Physical Abuse, Assault & Rape – Background checks are required to be conducted on employees.

- 29% of all errors involved the failure to administer an ordered dose;
- 21% of all errors involved an improper dose;
- 14% of all errors involved prescribing errors.

Studies conclude also that:

- 38% of errors were caused when a health care provider had the necessary knowledge and experience but did not perform accordingly;
- 20% of medication errors occurred when health care providers failed to follow procedures; and
- Almost 50% of fatal medication errors occurred in people over age 60.

MEDICATION ERRORS - continued

Common Drugs Involved

The drugs most commonly involved in medication errors were insulin, morphine, heparin, warfarin (coumadin) and potassium chloride.

Examples of Medication Errors

- One patient died because 20 units of insulin was abbreviated as "20 U," but the "U" was mistaken for a "zero." As a result, a dose of 200 units of insulin was accidentally injected.
- A man died after 6 transdermal patches were applied to his skin at one time. The multiple patches delivered an overdose of the narcotic pain medicine fentanyl through his skin.
- A patient developed a fatal hemorrhage when given another patient's prescription for a blood thinner (coumadin).
- An elderly patient with rheumatoid arthritis died after receiving an overdose of methotrexate--a 10-milligram *daily* dose of the drug rather than the intended 10-milligram *weekly* dose.

Liability of Nursing Homes

Staffing issues are a major cause of medication errors. Distractions of medical personnel, inexperienced staff and increased workloads account for most of the reported medication errors according to a recent report.

Significant recoveries have resulted against nursing homes when it is demonstrated that preventable medication errors result from understaffing, or because of nursing staff who are undertrained and/or overworked.

Conclusion

Nursing homes can be held accountable for medication errors that result in injury or death.

More significant recoveries may be achieved by showing that profit motivated business practices such as understaffing or hiring inexperienced staff caused the medication error. Uncovering this type of evidence requires an understanding of nursing home operations and a focused discovery plan.

RECENT CASE REPORT

Case Filed Against South County Nursing Home Janitor Sexually Molests 78 Year Old Resident

- South County Nursing Home in North Kingstown, RI, negligently investigated the sexual assault on plaintiff and concluded she was hallucinating and delusional.
- Nursing home transferred plaintiff to psychiatric hospital where she was held against her will for 2 weeks.
- Later, nursing home janitor pled guilty to first degree sexual assault of plaintiff and was sentenced to 7 ½ years at the ACI.
- Janitor was an undocumented worker with prior criminal history as well as prior allegations against him for sexual assault of another nursing home resident.
- The Providence Journal (3/22/07) reported in detail on the filing of this lawsuit.

NEWS

- Jeffrey Padwa is the President of the Rhode Island Trial Lawyers Association and a member of AAJ's Nursing Home Litigation Group.
- He writes a monthly column for Prime Time, a monthly magazine for seniors. His blog www.nursinghome-injury-attorneys.com was the subject of a recent Providence Business News article. He has also appeared recently on WPRO radio discussing nursing home issues.
- The PADWA LAW website (www.padwalaw.com) is dedicated to nursing home litigation and related issues and was updated recently.
- This newsletter is available by email upon request.