

Medication and Malpractice: Implications for the APRN

Presentation Prepared to Fulfill Requirements for
NRSG 5500 : Perspectives of Advanced Nursing Practice

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Overview

- Case study: RaDonda Vaught
- Legal consequences of medication errors
- Ethical considerations
- Final thoughts
- References

Case Study

- RaDonda Vaught
 - Leader and accomplished registered nurse
 - Worked in Intensive Care Unit at a Vanderbilt hospital in 2017
 - Orienting new nurse to the unit
 - Responsible for taking patient off floor for a PET scan

(Oung, 2022)

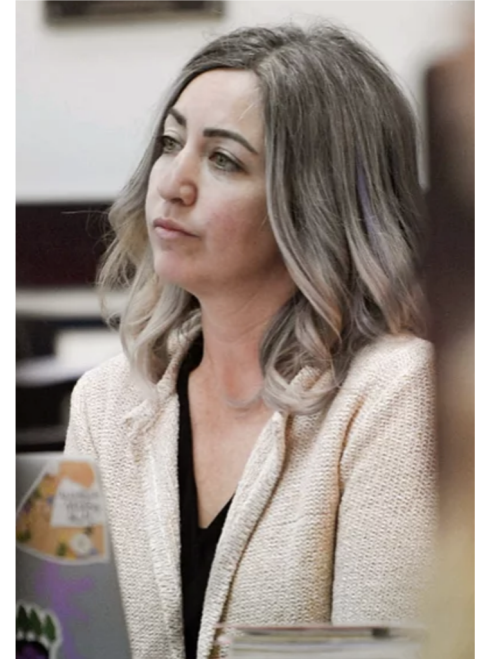


Figure 1: RaDonda Vaught (Amador, 2022)

Case Study

- Pt become claustrophobic during the scan
- Provider ordered Midazolam (Versed)
- Vaught searched for medication in Pyxis by trade name
- First search result: Vecuronium
- Vaught bypassed several critical safety checks, prior to giving the wrong medication, in a hurry to comfort the patient
- Vaught administered Vecuronium, resulting in the patient's death

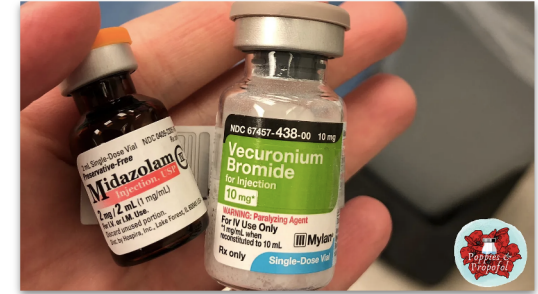


Figure 2: Medication vial comparison (Burgart, 2022)

(Oung, 2022)

Legal Consequences of Medication Errors

- Three types of legal consequences:
 - Financial exposure
 - Licensure or certification actions
 - Civil or criminal sanctions and exclusion from participation in federal healthcare programs

(Joel, 2022)

Legal Consequences of Medication Errors

- Landmark case
- Criminalizes medical errors
- Huge potential consequences for healthcare providers
- National attention
- Helps set a precedent to improve system errors within the hospital



Figure 3: The Vaught trial (Brusie, 2022)

Legal Consequences of Medication Errors

- Criminal charges
 - Found guilty on two counts: negligent homicide and gross neglect of an impaired adult
 - Acquitted of the reckless homicide charge (Kelman, 2022)
 - Reckless homicide: a death that has occurred related to intentional cause of death by medical provider, medical neglect with a blatant disregard of the patient's well-being, or treating a patient without a medical license, resulting in death (Kelman, 2022)
 - License revoked by the Tennessee Board of Nursing (Kelman, 2021)
 - Three years probation and \$3000 fine (Kelman, 2021)

Legal Consequences of Medication Errors

- Are criminal charges an appropriate response to medical errors?
- Should healthcare providers be held criminally liable for mistakes made during their work?
- Two opposing viewpoints:
 - For: criminal charges are necessary for accountability and deterrence
 - Against: criminalizing medical errors could have an effect on healthcare providers and discourage them from reporting errors or seeking help when needed

(Joel, 2022)

Ethical Considerations

- More nurses than not make at least one medication error at some point in their career (Jember et al., 2018)
- In light of the risk of criminal charges, would you self identify an error?
- Precedent set in Vaught case challenges individual ethics
- Patient safety vs personal consequences



Figure 4: The Death of Socrates (David, 1787)

Ethical Considerations

- Moral courage
 - Seeking to do what's right regardless of potential personal negative consequences (Stokes, 2017)
 - Acknowledge mistake to protect patient and improve system
 - Treat/reverse/monitor
 - Improve systems and processes
 - "Individual vigilance will never be enough to prevent all patient harm" (Burgart, 2022).



Figure 5: The Cowardly Lion (Denslow, 1915)

Ethical Considerations

- “Prosecution will prevent healthcare workers from being honest about their mistakes. It won’t bring back Charlene Murphy, and it won’t prevent other deaths. It will hinder decades of effort to enhance patient safety” (Burgart, 2022).
- “Transparent, just, and timely reporting mechanisms of medical errors without the fear of criminalization preserve safe patient care environments” (American Nurses Association, 2022).

Final Thoughts

- Impact on existing nursing shortage
- “If every nurse who fails to do something can be subject to criminal charges and loss of their livelihood and freedom, why would anyone want to go into the nursing profession?” (Brown, 2018).
- APNs as leaders, prescribers



Figure 6: Avengers (Holland, 2019)

“With great power comes great responsibility,” (Lee, 1962).

Questions?

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