

# Passy Muir Speaking Valve: Device Inserted Negligently By Nurse, Family Sues For Wrongful Death.

The patient went to the emergency room with shortness of breath and was sent home but returned the next day and was admitted to the intensive care unit.

After three days on a respirator the medical staff ordered a speech-pathology consult. The speech pathologist determined the patient was a candidate for a Passy Muir Speaking Valve, a device which makes it possible for an intubated patient on a respirator to communicate verbally.

## **Passy Muir Speaking Valve Left at Bedside Installed By Nurse**

The patient was moved from the ICU to the telemetry unit.

A Passy Muir Speaking Valve was left at the patient's bedside, apparently to be put in place by the speech therapist.

A telemetry-unit staff nurse unfamiliar with the device went ahead and installed it. The nurse apparently did not know that the tracheostomy tube cuff has to be deflated and did not deflate it.

The patient suffocated and died.

The family's lawsuit pointed out that the device requires a physician's order, has to be inserted by a trained person, requires prior competent assessment of the intubated patient's ability to tolerate cuff deflation and actual cuff deflation at the time of installation. Further, after the device is in place there must be close monitoring by the bedside nursing staff and by personnel monitoring telemetry at the remote station.

The lawsuit filed in the Circuit Court, Macomb County, Michigan resulted in a \$975,000 settlement for the family. **Skikewicz v. Mount Clemens General Hosp.**, 2007 WL 5157903 (Cir. Ct. Macomb Co., Michigan, November 6, 2007).