

## Acetaminophen: FDA Guidance Re Adverse Skin Reactions.

On November 28, 2014 the US Food and Drug Administration (FDA) published a guidance document in draft form outlining the warnings the FDA proposes to allow manufacturers to include with over-the-counter products containing acetaminophen.

The FDA wants to alert manufacturers, members of the medical community and the public that acetaminophen has been linked in rare cases to serious skin reactions including Stevens-Johnson Syndrome, toxic epidermal necrolysis and acute generalized exanthematous pustulosis, all of which can be fatal.

Healthcare professionals are advised to be alert for reddening of the skin, rash, blisters and detachment of the upper surface of the skin which can occur even with first-time use. Acetaminophen and other fever reducers should be stopped and medical attention obtained.

We have the FDA's announcement on our website at <http://www.nursinglaw.com/FDA112814.pdf>

FEDERAL REGISTER November 28, 2014  
Pages 70879 - 70880

## Patient's Fall: Tray Table Used As Aid To Ambulation.

A sixty-four year-old patient was admitted to the hospital for weakness and buckling of her right leg which was diagnosed as a possible sign of a transient ischemic attack.

Two days into her hospital stay she was found on the floor of her room after she fell on the way to the bathroom.

She insisted that someone who she assumed was a hospital nurse told her to use the rolling tray table to steady her balance while walking from her bed to the bathroom. It rolled out from underneath her when her leg gave out, and she fell to the floor.

The patient and her husband sued the hospital for negligence in giving her a tray table to use as an aid in walking. The hospital's alleged negligence caused her to sustain injury, she claimed.

The New York Supreme Court, Appellate Division, dismissed the case based on medical testimony from the hospital's expert that the patient's cervical stenosis, for which she had surgery after her fall, was a pre-existing condition. **Roberson v. Wyckoff Heights**, \_\_ N.Y.S.2d \_\_, 2014 WL 6910692 (N.Y. App., December 10, 2014).

## Disability Discrimination: Employer Must Engage In An Interactive Communication Process.

A home health nurse was terminated after a grand mal epileptic seizure.

A history of grand mal seizure meant she could no longer drive to appointments with her clients. She had been going out to see six to eight patients in the field every day.

She tried to adjust to her supervisors' expectations for an administrative position in the office, but that did not work out.

She filed a complaint with the US Equal Employment Opportunity Commission, which filed suit on the nurse's behalf against her former employer.

The US Court of Appeals for the Fifth Circuit (Mississippi) ruled the nurse was disabled, but with a history of grand mal seizure she was not qualified for a job which involved driving.

***The nurse asked her supervisor for help with the computer so she could work in the office even with the meds she was now taking for her epilepsy.***

***Her supervisor kept silent and walked away.***

***That could be seen as a failure to engage in an interactive communication process with an employee who was reaching out for reasonable accommodation.***

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT  
December 11, 2014

Nevertheless, a disabled employee may still have the right to reasonable accommodation to become qualified for the same or a comparable job.

Along with a disabled employee's right to reasonable accommodation comes the employer's responsibility to engage in an interactive communication process with a disabled individual who reaches out to the employer for reasonable accommodation.

The nurse asked her supervisor for help learning the computer programs and remembering the computer passwords so that she could meet her employer's expectations for an administrative position in the office which required no driving, given that she was affected by her epilepsy meds. According to the Court, she was ignored. **E.E.O.C. v. LHC**, \_\_ F. 3d \_\_, 2014 WL 7003776 (5th Cir., December 11, 2014).