

## **Ativan Overdose: Nurse Was On Probation For The Same Violation Of Care Standards.**

A nurse's license was placed on probation in one state for administering Ativan to a patient without a physician's order. Rather than complete the terms of his probation he moved to another state and found employment as a nurse.

Once hired he revealed the situation with his license to his nursing director but he was not terminated or reported to that state's or the first state's board of nursing. In fact, his director asked him to follow her to her new job at another hospital where she made him a charge nurse.

He again gave Ativan to a patient whose allergy to that medication was clearly and thoroughly documented in the chart and in the hospital's medication records, without a physician's order, and the patient died.

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***The hospital failed in its legal duty to hire nurses that are competent and fit for employment.***

***The hospital hired the nurse knowing he was on probation in another state and had not fulfilled the conditions of his probation.***

***No precautions were taken to ensure the nurse would not commit the same violations again.***

COURT OF APPEALS OF TEXAS  
July 28, 2010

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In a very complicated opinion the Court of Appeals of Texas upheld a \$1 million-plus verdict in favor of the family for the hospital's negligence. The hospital was responsible for the nurse manager's decision to hire a nurse on probation to practice at the hospital and thereby allow him to commit the very same offense again. ***THI of Texas v. Perea***, \_\_ S.W. 3d \_\_, 2010 WL 2952149 (Tex. App., July 28, 2010).